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1916

INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY

SUBMITTED TO CONGRESS BY THE

U. S. COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
AUGUST 23, 1912

VOL. VII



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1916



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SMUGGLING OF ASIATICS

(For exhibits under this subject, see page 6344.)

COMMISSION ON INDUSTRIAL RELATIONS.

BOSTON, MASS., *Monday, July 6, 1914—2 p. m.*

Present: Chairman Walsh, Commissioners Delano, O'Connell, Lennon, and Weinstock. E. H. Busiek, special counsel.

Chairman WALSH. You may proceed, Mr. Busiek.

TESTIMONY OF MR. HERVEY S. COWELL.

Mr. BUSIEK. Will you please state your name in full?

Mr. COWELL. Hervey S. Cowell.

Mr. BUSIEK. Where do you live, Mr. Cowell?

Mr. COWELL. Ashburnham, Mass.

Mr. BUSIEK. What is your occupation, Mr. Cowell?

Mr. COWELL. Principal Cushing Academy.

Mr. BUSIEK. We would like to inquire into the circumstances of the admission of 20 students to your academy in the year 1911. Will you please tell the commission what the first information was that you had of those 20 students?

Mr. COWELL. It was early in 1911; I am not sure what month. The first letter I could find was dated May 26, 1911. I have a copy of it.

Mr. BUSIEK. I wish you would read the copy.

Mr. COWELL. This was from Sarah E. Hing, 56 Yon Jie Gie, rear Canton Hospital, Canton:

MAY 26TH, 1911.

CUSHING ACADEMY,

Ashburnham, Mass., U. S. A.

MY DEAR SIR: Please send me one school chart and everything that is necessary for application to the Academy. I leave here for America the latter part of September, 1911, with twenty Chinese students. I have been a teacher of English for some years here, but the Chinese here can not get the education in English they can in America, and they sure pay a price for the favor of a few English words. If everything is suitable and the expense not too high I will arrange to forward at once one year's expenses for each. You must understand they are all new beginners, easy to teach and bother no one a room to stay together and their sundries. I am sure you could make it pay to open a branch just for the instruction of beginning Chinese, but if every thing is O. K. I will see you when I arrive in America and I think we can arrange everything, but please send your catalogue and all necessary things to admitt twenty boys from 12 years to 17 years of age at once and oblige. ever very sincerely, yours to command,

SARAH E. HING.

Another letter of August 19, 1911. Then I have two other letters after that.

Mr. BUSIEK. Please read the following letters.

Mr. COWELL. This was August 19, 1911.

Chairman WALSH. Have you a copy of it?

Mr. COWELL. I have not.

Chairman WALSH. Simply an answer inclosing catalogues.

Mr. COWELL. Yes, sir.

Chairman WALSH. Did you know this lady before?

Mr. COWELL. I had never seen her and didn't know anything of her.

Commissioner O'CONNELL. Was she an American woman or Chinese?

Mr. COWELL. She was an American woman who married a Chinese. She claimed to be the daughter of a promineent man in Illinois. I have forgotten the name now, but he held some State office.

SARAH E. HING,
56 Yon Jie Gie, Canton, China, August 19, 1911.

Mr. H. S. COWELL.

DEAR SIR: It is with sincere thanks I take this pleasure to let you know I received the catalogue and other papers, for which I am more than obliged to you for. Am sending a check for three months for each boy. And would still owe you another debt of gratitude if you would be so kind as to look up a large office room with a kitchen attached they will each supply their own furniture (for the boys to use as a sleeping room they can then do their own cooking). And as I stated in my other letter the boys I am bringing are all new English beginners and therefor but little trouble. Now as I have no authorized receipt to bring students to you, you will be granting me an everlasting favor by sending a receipt for the school fund to me in % the chief inspector of immigration at Seattle, Washington. Thanking you sincerely for your great kindness and trouble, I wish to remain
ever yours to command,

S. E. HING.

We will sail from Hong Kong China on 23 of September and arrive at the Academy about the 30 of October, 1911. Enclosed list of boys, their age and their guardians' name business and address.

S. E. HING,
Organizer of the Chinese Y. M. C. A. & W. C. T. U.

Mr. BUSIEK. Did you ever make any investigation as to whether or not she was in fact an organizer of the Y. W. C. A. and W. C. T. U.?

Mr. COWELL. Not personally. An organizer of the Government came to me and he took the matter up. I informed the Commissioner of Immigration and I have the letters acknowledging that.

Mr. BUSIEK. We will get to that later.

Mr. COWELL. Yes, sir. The next one is September 20, 1911, a month later.

SARAH E. HING,
Hotel China, Hong Kong, Sept. 20, 1911.

Mr. COWELL,

Cushing Academy, Ashburnham, Mass. U. S. A.

DEAR SIR: Not knowing if you received the other draft for one term of each boy, total 21, I will enclose duplicate draft. Also to let you know we can not sail on Sept. 23 as I stated in my previous letter, but will sail on Oct 14 sure, arriving about Nov. 7, 1911. Please send receipt of one term for 21 boys for Mrs. Sarah E. Hing, % chief of immigration at Seattle Washington. Hoping to thank you personally for your ever kindness I am ever most

Sincerely,

SARAH E. HING,
Hong Kong, China.

Chairman WALSH. How much did she inclose in the second letter?

Mr. COWELL. I have forgotten. I think about \$300.

Mr. BUSIEK. How much was the check for three months?

Mr. COWELL. I have that there. We only charged them for the time they were there. They were there only about four weeks. One died on the passage, before he started. These are the only letters I have in my possession now from her before they came. I have some from her husband after they left.

Mr. BUSIEK. Those students arrived at your academy when?

Mr. COWELL. November 19, 1911.

Mr. BUSIEK. What did you do for them in the way of quarters?

Mr. COWELL. We found rooms for them in private houses.

Mr. BUSIEK. Then you did not put them all together?

Mr. COWELL. No, sir. We did not have any opportunity for them, and when they got there we put them in private houses, one in one place, two in another, and three or four in another.

Mr. BUSIEK. Could they speak English?

Mr. COWELL. Only one could. One was sort of an interpreter for them.

Mr. BUSIEK. Do you remember his name?

Mr. COWELL. Moy Wing.

Mr. BUSIEK. Moy Wing?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. How old was Moy Wing?

Mr. COWELL. Seventeen, according to the—there are two Moy Wings. I am not sure. One was 17 and the other was 18.

Mr. BUSIEK. You saw all the students?

Mr. COWELL. Yes.

Mr. BUSIEK. How old did they appear to be?

Mr. COWELL. Well, I should judge the ages that are given here—I have the ages here. They ranged all the way from 14 to 19. I think the oldest is 19 and the youngest 14. I should judge their age was about as indicated.

Mr. BUSIEK. You think that is substantially correct?

Mr. COWELL. I should think so; yes, sir. They were not old-looking fellows.

Mr. BUSIEK. How long did the students stay at the academy?

Mr. COWELL. They stayed there until the Christmas vacation, which began about the 20th of December. They were there only a month.

Mr. BUSIEK. Arrived on the 19th of November and stayed there until the 20th of December?

Mr. COWELL. Thereabouts. I have forgotten about the dates, but it was about a month.

Mr. BUSIEK. Did they tell you where they were going for their Christmas vacation?

Mr. COWELL. They were going to their relatives. Nearly all of them had relatives, as they claimed, in this country. I have the names of girls that they gave us as relatives, and they were going to see them for their Christmas vacation.

Mr. BUSIEK. Did the students have any money?

Mr. COWELL. Didn't appear to have much.

Mr. BUSIEK. Did you ever make any inquiry as to where they were going to get the means to go to their relatives?

Mr. COWELL. I think they had enough for that, because I know they bought some books and paid for them.

Mr. BUSIEK. Did each boy have his own money? Or did this Moy Wing attend to that for them?

Mr. COWELL. I think each one had his own, or had some. He collected for them. I know they bought some books, some English primers, and he collected and paid us for it, and he acted as sort of banker for them in that way.

Mr. BUSIEK. What was the attitude of the students? Did they appear to try to learn?

Mr. COWELL. They appeared to be, yes, sir. We had to have a special class in English, and, of course, they didn't know anything about English at all, except this one, and had to begin the very elements. They were quiet and patient and gave attention and apparently were willing to learn.

Chairman WALSH. Had you ever had any applications for admissions of Chinese before?

Mr. COWELL. We have had Chinese students there for the last 10 years. Most of them were Government students. At one time there were 10 came, when they got 50 over, and distributed them among five preparatory schools. Then, we have had others since who came under Government control, and others as private students on their own account. We have had 6 this last year.

Commissioner WEINSTOCK. What are the qualifications required for entering your school?

Mr. COWELL. To be 14 years of age and to have completed a grammar-school education.

Commissioner WEINSTOCK. Were those qualified?

Mr. COWELL. As I have indicated, they had no English, and they wanted to learn English first, so we could not tell until they had the English work, and we gave them a teacher to take care of the English language.

Commissioner WEINSTOCK. If they were unable to speak English, how was it possible to teach them?

Mr. COWELL. One acted as interpreter.

Commissioner WEINSTOCK. They were all started on the same basis?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. They remained a month?

Mr. COWELL. Remained a month, except they went away and three remained, came back and remained over the year. This Moy Wing remained—

Commissioner WEINSTOCK. But 17 disappeared?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. Were there any efforts made to follow them up?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. What efforts?

Mr. COWELL. Some of them wrote to me. I sent my report to the Commissioner of Immigration and he wrote to me, and I have the letters. The letters of teachers of schools where they went, and of themselves, and the Commissioner of Immigration, I think, looked them all up.

Commissioner WEINSTOCK. What explanation did they offer for having dropped out of your school?

Mr. COWELL. That they could get along cheaper and go into public schools where their relatives lived.

Commissioner WEINSTOCK. That was the only reason they gave?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. So far as you know, Mr. Cowell, were they followed up to see whether they actually did go to public schools?

Mr. COWELL. That part I left with the commissioner. I think they did.

Commissioner WEINSTOCK. You have no means of knowing what they found?

Mr. COWELL. No, sir; except the letters, and I have the reply from Commissioner Billings, George G. Billings, commissioner at that time.

Commissioner WEINSTOCK. From all the information you have since been able to gain, Mr. Cowell, is it your opinion that this was a premeditated plan to smuggle in those boys and to utilize the privilege granted to students to do that?

Mr. COWELL. I have no means of knowing, except the report of the inspector who came from Mr. Walsh, chairman of the Commission on Industrial Relations at Washington.

Commissioner WEINSTOCK. Mr. Walsh, of this commission?

Mr. COWELL. I have a letter I wrote to him on November 4. He sent an inspector up here, and he had the impression that they were smuggled in here to become laborers.

Commissioner WEINSTOCK. That they used the going to your college as a pretext?

Mr. COWELL. Yes, sir. I had no suspicion of that at the time they came, because we had had Chinese students, and they had been square and had continued with us and their records were all right, and he had some suspicion about the character of this woman, and it made me suspicious, although I had no record of their becoming laborers afterwards.

Commissioner WEINSTOCK. That is, they may have become laborers without your knowledge?

Mr. COWELL. They may have; yes, sir. I thought it was not necessary for me to go any further than the letters that came from them; but I did think it rather queer that so many should leave all at once.

Mr. BUSIEK. What was your first communication with the Immigration Department, Mr. Cowell?

Mr. COWELL. December 6, 1911. I have a letter from Mr. Billings dated at Boston:

"Information having been received by us as to the effect that 20 Chinese boys have applied for admission into the United States as students, destined to Cushing Academy, they being in charge of Mrs. Sarah Hing, a white woman, and an alleged former school-teacher at Canton, China, who was also accompanied by her husband, Moy J. Hing, it is requested, if consistent, that you kindly advise us what arrangements, if any, have been made with you for their admission into Cushing Academy, as well as for the payment of their tuition and other expenses while there.

"Any information that you may be able to furnish us in regard to this matter will be much appreciated.

"Respectfully,

"GEORGE B. BILLINGS, *Commissioner.*"

I replied to that, and then I have his letter of January——

Mr. BUSIEK. Pardon me just a moment. Are there any initials in the lower left-hand corner of that letter?

Mr. COWELL. W. M. P.

Mr. BUSIEK. W. M. P.?

Mr. COWELL. Yes, sir. I take it to be, or V. M. P.

Mr. BUSIEK. W. M. P.; yes.

Mr. COWELL. His second letter was dated January 12, after they had gone:

"Acknowledgment is hereby made of the receipt of your letter of January 11, containing information relative to the 20 Chinese students who recently entered Cushing Academy in charge of Mrs. Sarah E. Hing and Moy J. Hing, for which please accept our thanks.

"In this connection you are advised that an officer will call on you some time to-morrow forenoon (January 13), to confer with you in regard to this matter.

"Respectfully,

"GEO. B. BILLINGS, *Commissioner.*"

So one came up and obtained all the circumstances.

Mr. BUSIEK. Who was that officer?

Mr. COWELL. I really don't remember.

Mr. BUSIEK. Was it Inspector McCabe?

Mr. COWELL. I have the impression it was; yes, sir.

Mr. BUSIEK. Did you furnish this inspector with a complete list of names?

Mr. COWELL. I think so. I gave him all the information at hand. I can not remember exactly what I gave him.

Mr. BUSIEK. You answered all the questions?

Mr. COWELL. Yes, sir. I gave him complete information.

Mr. BUSIEK. When was that that he came up?

Mr. COWELL. That was January 13.

Mr. BUSIEK. January 13?

Mr. COWELL. Yes, sir. Oh, yes, it is Inspector McCabe, because I have another letter right here.

JANUARY 15, 1912.

Mr. H. S. COWELL,

Principal Cushing Academy, Ashburnham, Mass.

DEAR SIR: Herewith I return the letters relative to the Chinese students, which you kindly loaned Inspector McCabe last Saturday (January 13) while at Cushing Academy, in connection with their cases.

If you receive any more letters from any of these students relative to their nonattendance, kindly forward same to us, and we will promptly return them to you.

Thanking you for your courtesy in this matter,

Very truly, yours,

ALCOTT W. STOCKWELL,
Assistant Commissioner.

Mr. BUSIEK. Up to that time, how many letters had you received from students?

Mr. COWELL. I can't remember. I think I had heard from one-half nearly.

Mr. BUSIEK. What were they writing you about?

Mr. COWELL. Here is one from Deadwood, S. Dak., January 4:

"I am now among many of my old friends and relatives in Deadwood, I am going to school here now, for I think it will make it much easier for me to be with children of the same grade, and by listening to them will benefit me not a little. If there is any expenses that I have not yet paid, please notify me and I will send it at once.

"Yours, truly,

"My address: 566 Main Street, Deadwood, S. Dak.

Commissioner DELANO. Was that written by the boy himself?

Mr. COWELL. It is not signed by him. I judge somebody wrote it for him. It couldn't have been, because he didn't know English, I think.

Mr. BUSIEK. That letter does not indicate who it was?

Mr. COWELL. Yes, sir; at the top, Chan Yun.

Commissioner WEINSTOCK. It seems to me you could use that letter as a great testimonial, as the result of one month's work in your school?

Mr. BUSIEK. What was the name?

Mr. COWELL. Chan Yun.

I have another letter from Chicago, January 6.

Mr. BUSIEK. Read that, please.

Mr. COWELL (reading):

Mr. COWELL,

Care of Cushing Academy, Ashburnham, Mass.

DEAR TEACHER: We arrived here safe last two weeks ago. I am very sorry have not find time to shake hands with you before me going because my cousin want one to meet him at Chicago. The few friend I have met are very kind to me. We have been able to find a Jones School here; have several Chinese boys with us attend the Jones School. I missed your school next season come and the friends too. How much charge us too three week the board at school that time? Please send the letter; let us know, we will sent money order to you as soon as we can.

Hope this will find you enjoying the best of health and happy.

Your friend and scholer,

Moy DAK & Moy TUNG.

Please answer.

Mr. BUSIEK. That was sent by two Chinese?

Mr. COWELL. Sent by two Chinese; yes, sir.

Mr. BUSIEK. Moy Dak and Moy Tung?

Mr. COWELL. Yes, sir; signed apparently by them.

Mr. BUSIEK. Are the signatures the same? It is a flowing Spencerian hand.

Commissioner DELANO. Do you imagine that they wrote this?

Mr. COWELL. I do not. They did not know enough when they left us. I imagine some one wrote it for them.

Commissioner DELANO. I want to interject this question: Were they very apt pupils? Did they learn very quickly?

Mr. COWELL. There were a few that seemed to, and others seemed to be very dull.

Commissioner DELANO. How did they compare with the student the Chinese Government sends over?

Mr. COWELL. They did not compare well, because the Chinese students, the picked students of the Government come after a competitive examination.

Here is from the principal of the Jones School, a letter:

"MY DEAR SIR: I have been asked to write you letting you know that four Chinese boys, Moy Tuck, Moy Tung, Moy Fook, and Hui Tung, are now in Chicago attending the Jones Public School and will continue to remain here.

"Yours, truly,

"THOS. C. M. JAMIESON, *Principal.*"

Mr. BUSIEK. Were there ever any mistakes made in the names as compared with the names under which they entered?

Mr. COWELL. I have a list that was sent me by Mrs. Hing. I have a list made out by one of the boys, Moy Wing, for the books, and here is a list that was made out by their teacher. You can compare the three. It is a little difficult to compare the Chinese names. Here is a list that she sent me of the names of their people in this country.

Mr. BUSIEK. You showed these letters, of course, to Inspector McCabe?

Mr. COWELL. I did. He took them with him, part of them, and returned them.

Mr. BUSIEK. Did he make any comment at the time he was out at your school as to whether or not he thought the students were bona fide?

Mr. COWELL. I don't believe he did.

Mr. BUSIEK. Did you ever get any expression of that kind from any immigration authorities?

Mr. COWELL. I don't think I did, until the inspector came from Washington recently, representing Mr. Walsh.

Mr. BUSIEK. What other letters did you get from the Chinese students?

Mr. COWELL. Here is one from Braintree:

"MY DEAR SIR: A Mr. Chinon is attending the night school in Braintree, Mass. He reports to have been in attendance at Cushing Academy in the present school year. I do not know that his attendance upon night school will be satisfactory to the Commissioner of Immigration. However, I pass this information to you in case of inquiry.

"Very truly, yours,

"R. L. WIGGIN.

"H. S. COWELL, A. M.,

"*Principal Cushing Academy.*"

Mr. BUSIEK. In regard to what student was that?

Mr. COWELL. Chinon. Here is one from Moy Fook and Hui Chong. They wrote the letter; that is, it is signed by them.

Mr. BUSIEK. That is the letter of January 6 you are referring to?

Mr. COWELL. This is January 14, 1912.

Mr. BUSIEK. Read the letter, please.

Mr. COWELL (reads):

CHICAGO, ILL., *January 14, 1912.*

Mr. COWELL.

DEAR SIR: We have had a very pleasant vacation here in Chicago visiting our father and cousins. We find there is a very good school here, called the Jones School, in which there is a department especially conducted for foreign young men who wish to learn English. We would like to go to the Jones School very much, as it would be very pleasant for us to be here with our fathers and friends. Will you please write us and tell us what we owe you for tuition and board, and we will send you the money at once. We would like to stay here if we can.

Most respectfully, your pupils,

Moy Fook.
Hui Chong.

Commissioner WEINSTOCK. In remaining with your school only one month how much of the tuition money did they forfeit?

Mr. COWELL. That was the end of the term, so they were only charged for the time they were there. They came in November, and the term ended December 20, or thereabouts.

Commissioner WEINSTOCK. And they only paid you for one month's tuition?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. Didn't they remit to you in advance?

Mr. COWELL. Mrs. Hing sent a draft that covered about all of their tuition and board for the time they were there.

Commissioner WEINSTOCK. Just for one month?

Mr. COWELL. Yes, sir; just for one month.

Commissioner WEINSTOCK. So you neither won nor lost by their dropping out?

Mr. COWELL. No, sir. We charge by the term rather than by the year.

Mr. BUSIEK. Mrs. Hing in her letter says, "I send you a check for a quarter for each."

Mr. COWELL. She first said for a year, then she said for a quarter. I can't recall how much that was. I have an impression it was about \$300.

Mr. BUSIEK. Would your books show?

Mr. COWELL. The treasurer's might. Of course, it all goes into the treasury.

Mr. BUSIEK. Can you supply the commission with all that information when you go back to your school?

Mr. COWELL. I might be able to. I don't know just what was done with that, because they boarded in private houses, and we had to pay them separately, rather than it coming into the treasury of the school.

Mr. BUSIEK. You keep books of whatever comes into the school?

Mr. COWELL. Whatever comes into the treasury of the school, but whatever comes into the private houses, that is paid by them separately.

Mr. BUSIEK. Would not the books of the school show how much they paid?

Mr. COWELL. Yes, sir. For how long they paid tuition.

Mr. BUSIEK. Could you furnish that information?

Mr. COWELL. Yes, sir. The treasurer is not here in this country, but when he returns we can, I think.

Mr. BUSIEK. Who is the treasurer?

Mr. COWELL. Moses P. Greenwood, of Ashburnham.

Mr. BUSIEK. Has he any other business connection besides being the treasurer of your school?

Mr. COWELL. No, sir; not at present.

Mr. BUSIEK. His present address is Ashburnham, Mass.?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. Does he have any other connection with the school?

Mr. COWELL. No, sir.

Mr. BUSIEK. Just president?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. Is yours a denominational school?

Mr. COWELL. No, sir; private endowed school.

Mr. BUSIEK. Corporation?

Mr. COWELL. Corporation; yes, sir.

Here is another letter, from Charles E. Holske & Co., rice dealers, 14 Oxford Street, Boston, dated January 22, 1912.

Mr. BUSIEK. Read that letter, please.

Mr. COWELL (reads):

"I submitted your letter to the friends of Moy Win Tvan and they talked the matter over with him. He decided he would prefer to attend the Quincy School in Boston and live amongst his fellow countrymen in this city.

"If you will forward a bill for what he owes I'll see his people about sending you a remittance.

"Respectfully,

"CHARLES E. HOLSKER"

Commissioner O'CONNELL. Who is he?

Mr. COWELL. A rice dealer, 14 Oxford Street, Boston.

Commissioner O'CONNELL. Rice dealer?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. Did you get any other letter from Boston?

Mr. COWELL. I don't have any here.

Commissioner O'CONNELL. That letter which you read there——

Mr. COWELL. That has been to the Immigration Bureau. They have their stamp on it.

Commissioner O'CONNELL. When did the Immigration Department get that?

Mr. COWELL. Received January 24, 1912.

Mr. BUSIEK. Didn't you receive a letter from Holske on the 6th to this effect:

"SIR: I am requested by Moy Wing Tvan to notify you that he finds the studies of the academy too far advanced for him, and he believes it would be better for him to attend the public school for one or more terms. Will you please let him know, at 18 Oxford Street, Boston, if it is satisfactory; also, how much, if any, money is due from him to you, so he can remit?"

Did you get such a letter?

Mr. COWELL. Possibly I did.

Mr. BUSIEK. The letter that you received was evidently in response to one written by you?

Mr. COWELL. Yes, sir; this is January 22. I may have it on file, but I perhaps did not get everything.

Mr. BUSIEK. Did you receive any other letters from any of the Chinese?

Mr. COWELL. I think I did, from Providence, but I don't have them here. There were some that went down to Providence.

Mr. BUSIEK. I will see if I can not find copies of those letters. Did you receive any letters from Chicago?

Mr. COWELL. Those that I have read; yes.

Mr. BUSIEK. How many times were the inspectors out at your school? That is, the immigration authorities?

Mr. COWELL. You mean the one that represented later, this last year?

Mr. BUSIEK. No, sir; not the gentleman who came from Mr. Walsh.

Mr. COWELL. Mr. McCabe?

Mr. BUSIEK. The inspectors from Boston; how often was anyone there at your school?

Mr. COWELL. He was there once but I don't remember that he was there again.

Mr. BUSIEK. Did you have any further correspondence with the Department of Immigration?

Mr. COWELL. I have January 18.

Mr. BUSIEK. Read that letter, please?

Mr. COWELL (reads):

"Acknowledgment is hereby made of the receipt of letter of January 4, 1912, from Chan Yun, at Deadwood, S. Dak., and same is herewith returned in accordance with your request.

"Please accept our thanks for your courtesy in the matter.

"Very respectfully, yours,

"GEO. B. BILLINGS, Commissioner."

Mr. BUSIEK. How is that initialed?

Mr. COLWELL. That same W. M. P. And January 20, 1912:

"Acknowledgment is hereby made of the receipt of your letter of January 18, 1912, to the effect that Chin On, one of the 20 Chinese boys who entered Cushing Academy last term, has returned to the school.

"In this connection I request that you kindly advise me if this is the same Chinese person who is referred to in the letters of January 9 from Nellie Belyea, Braintree, Mass., and of January 12 from R. L. Wiggin, Braintree, Mass., which you kindly lent Inspector McCabe when he was at Ashburnham recently.

"Herewith I inclose, for use in connection with this matter, a few official envelopes, which require no postage.

"Thanking you for your kindness in the matter,

"Very truly, yours,

"Geo. B. BILLINGS, *Commissioner*."

Mr. BUSIEK. What were those letters referred to from Braintree?

Mr. COLWELL. Those are the two I have here in regard to going to night school, but he came back and remained through the year.

Mr. BUSIEK. That was——

Mr. COWELL. Chin On.

Mr. BUSIEK. And Moy Wing?

Mr. COWELL. Yes, sir. I think Moy Wing remained there during the vacation. At least, he remained through the year.

Mr. BUSIEK. What became of him?

Mr. COWELL. I don't know what became of him since he left.

Mr. BUSIEK. You have no letter?

Mr. COWELL. No, sir.

Mr. BUSIEK. Not anything?

Mr. COWELL. No, sir.

Mr. BUSIEK. Did you get any further letters from the Bureau of Immigration?

Mr. COWELL (reading):

JANUARY 24, 1912.

Herewith I return the letter of January 22, 1912, addressed to you by Chas. E. Holske, relative to Moy Wing Foon, one of the party of 20 Chinese students who recently entered Cushing Academy, to the effect that he has now decided to attend the Quincy School, Boston.

Thanking you for your courtesy in the matter,

Respectfully,

GEORGE B. BILLINGS, *Commissioner*.

JANUARY 26, 1912.

Acknowledgment is hereby made of the receipt from you of letter of January 22 from Moy J. Hing, in regard to the 20 Chinese students recently admitted to Cushing Academy, and same is herewith returned.

Please accept our thanks for your kindness in the matter.

Very truly, yours,

JEREMIAH J. HURLEY,
Assistant Commissioner.

Mr. BUSIEK. Have you another letter?

Mr. COWELL (reads):

JANUARY 26, 1912.

We understand, from information received from you by letter, as well as by Inspector McCabe while on his recent visit to your academy, that only 3 of the 20 Chinese students who were admitted at Cushing Academy about the 1st of December last are still students with you, viz:

Lewie Gun Yuen; aged 18; name of relative, Lewie Wah Gun, father; care of Hop Wah Co., 215 South Seventh Street, Boise City, Idaho.

Yee Yick; aged 17; name of relative, Yee Chung Wah, uncle; care of Yuen High Co., No. 455 South Clark Street, Chicago, Ill.

Chin On; aged 16; name of relative, Moy You Bong, uncle; No. 455 South Clark Street, Chicago, Ill.

We inclose herewith photographs of Lui Kan Yuen, Yee Yick, and Chan On, which names are recorded on the backs of these photographs. We assume from the records here that they relate, respectively, to the above-named three Chinese, and respectfully request that you discreetly determine, by comparison of same with the three said remaining students, without their knowledge, whether or not they are photographs of the same three remaining students, returning the photographs to this office with your reply. If it should develop that these three photographs, or any of them, disagree with the three remaining students, or if there is any mistake in the names first above given as of those now at your academy you might ask the said three students if they have in their possession their certificates of identity, paper given to them at Vancouver, British Columbia, bearing their photographs, and if so, please ascertain the name and number appearing on same so that you may advise us of it.

Thanking you for your courtesy in this matter, I am,

Very truly, yours,

JEREMIAH J. HURLEY, *Assistant Commissioner.*

Mr. BUSIEK. Did you make such comparisons?

Mr. COWELL. I did, if I remember correctly, and they were all right. Let me see, there were two of them that we identified. I have the following letter telling what I did.

Mr. BUSIEK. All right.

Mr. COWELL (reading):

JANUARY 29, 1912.

Referring to your letter of January 27, under cover of which you returned the three photographs and identified two, those of Lui Kam Yuen, and Chin On or Chan On, as photographs of 2 of the 3 Chinese students remaining at your academy out of the 20 who recently arrived there, there are inclosed herewith photographs of 2 of those 20 students, whose names appear on our records as Mul (Moy) Wing, and Mul (Moy) Wing Tsam. With the return of the same please advise us whether or not either one of these photographs relates to the student Moy Wing.

Respectfully,

GEO. B. BILLINGS, *Commissioner.*

Those are the letters from the commissioners, I think all that I have had. I may have others.

Mr. BUSIEK. You received some more letters from Sarah Hing and from her husband?

Mr. COWELL. From Moy Hing, but not from her. I received two from him.

Mr. BUSIEK. Have you copies of those?

Mr. COWELL. I have the originals.

Commissioner WEINSTOCK. Did you ever see Mrs. Hing?

Mr. COWELL. Yes, sir; she came with the boys.

Commissioner WEINSTOCK. Was she a white woman?

Mr. COWELL. Yes.

Commissioner WEINSTOCK. Professed to be a teacher in English?

Mr. COWELL. Yes, sir; she said she had charge of several hundred girls in different schools in China that were supported by the Chinese merchants.

Commissioner WEINSTOCK. She talked English?

Mr. COWELL. Yes, sir.

Commissioner WEINSTOCK. Was she qualified, do you think?

Mr. COWELL. Her letters do not seem to look that way.

Commissioner WEINSTOCK. She says here: "I have to-day written to each one to know why they have did such a thing."

Mr. COWELL. That is from the husband. I wrote to her. I think those are the Moy Hing letters. No, sir; these are her's.

Mr. BUSIEK. When was the last letter that you received from any of the Hings?

Mr. COWELL. I think the last one I have is dated February 27, 1912.

Mr. BUSIEK. Have you seen either one since?

Mr. COWELL. I have not.

Mr. BUSIEK. Have you seen any one since Sarah Hing was there with the students?

Mr. COWELL. I have not.

Commissioner O'CONNELL. Have you heard anything of them?

Mr. COWELL. Only through the Government inspector.

Mr. BUSIEK. What did he tell you?

Mr. COWELL. I can not recall. I think he said they went into business out West somewhere.

Mr. BUSIEK. Seattle?

Mr. COWELL. Yes, sir; I think he told me about them. That is all I heard—all I obtained from him.

Mr. BUSIEK. In talking to Sarah Hing and in looking at her letters, was there any question in your mind as to whether or not she was in fact a bona fide teacher of English as she professed to be in her letters?

Mr. COWELL. That is difficult to answer. I should not have wanted her as a teacher of English in our school. Of course, when she arrived there they had been on the night train from Montreal, and arrived there in the morning early. They all looked draggled. She had considerable jewelry. I remember she had several rings on, I think a diamond ring and considerable tawdry dressing.

Mr. BUSIEK. Did you explain her appearance to the Commissioner of Immigration? Did you tell him those things—how she looked?

Mr. COWELL. I don't know as I did to him. I did to the last one, I think.

Mr. BUSIEK. Did you comment on the fact to Commissioner McCabe, that this woman did not speak good English or write good English?

Mr. COWELL. He saw the letters. That question did not come up just then, but that was all legitimate. I think if he had any suspicions he did not mention it, and I did not at that time.

Mr. BUSIEK. When did you receive the last letter which you received from the immigration authorities?

Mr. COWELL. Well, I think the last one I received is dated in February. February 6, 1912, is the last one I have here. I may have received other letters.

Mr. BUSIEK. Did you talk to those immigration authorities by phone, or have you written them lately?

Mr. COWELL. No, sir.

Mr. BUSIEK. Have they called on you at any time since February of that year?

Mr. COWELL. I don't recall that they did.

Mr. BUSIEK. The only man you have talked to since then was the man sent by Mr. Walsh?

Chairman WALSH. He was there twice.

Mr. BUSIEK. He was there twice?

Mr. COWELL. Yes, sir. I supposed it was a closed incident when he came there. In fact, I had difficulty in finding all the letters. I had filed them away.

Mr. BUSIEK. In looking over those letters, for instance, from Charles Holske, I notice that Holske writes you and the names which he gives of the students concerning whom he is writing do not agree with the names they were registered under at your school. Did you notice that at the time?

Mr. COWELL. Chinese names vary so much that I was not always sure I had the name right or not, sometimes. We have boys now that will give us an English name and a Chinese name, and I find it difficult sometimes to find out whether they are identical.

Mr. BUSIEK. For instance, in the letter of January 6, 1912, he refers to one of the students as Moy Wing Fook. In his letter of January 22 he refers to him as Moy Wing Fong. Did you notice that discrepancy?

Mr. COWELL. No, sir; I did not notice that discrepancy. Their first name corresponds to our last name, and then the other name varies so much that I did not pay much attention to the last name, because there are so many names and so great a variety.

Mr. BUSIEK. You say you have had students there?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. Chinese students?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. How did these students come to your school?

Mr. COWELL. Part of them came from the Government; part came from friends.

Commissioner O'CONNELL. Part from the Government?

Mr. COWELL. If you please?

Commissioner O'CONNELL. In what way did they come through the Government?

Mr. COWELL. At the time, after the Boxer rebellion, we paid—the Chinese Government paid us an indemnity, and then our Government returned the in-

demnity to them and they decided to use that to educate students in this country, and so they have been sending a picked number every year, or did up to the time of the revolution, and paying their bills at the colleges in this country.

Commissioner O'CONNELL. And then they return?

Mr. COWELL. And then they go back.

Commissioner O'CONNELL. They are in bond while here, so to speak?

Mr. COWELL. Yes, sir; they are on trial here. At one time 50 came over and were distributed among the preparatory schools. Ten came to us, ten to Andover, ten to Williston, ten to Lawrence—

Mr. BUSIEK. Did they have any knowledge of English?

Mr. COWELL. Nearly all do.

Mr. BUSIEK. Those other Chinese, sent by friends, what kind of students are they?

Mr. COWELL. Good students.

Mr. BUSIEK. Do they know any English?

Mr. COWELL. Yes, sir; they attend one of the colleges there where English is taught, and they speak fairly good English.

Mr. BUSIEK. Had you previous to that time taken in any students who did not know anything?

Mr. COWELL. No, sir.

Mr. BUSIEK. Or students direct from China, as in this case?

Mr. COWELL. No, sir.

Mr. BUSIEK. Had you had any correspondence with any other person who wanted to bring over a batch of students?

Mr. COWELL. No, sir; the only other one was Yuan Kwai, who was acting minister at that time. He brought 50 students, and I met him at Springfield.

Mr. BUSIEK. Mr. Cowell, this woman appeared before you, you say, dressed rather flashily?

Mr. COWELL. I think so; yes, sir.

Mr. BUSIEK. Had those diamond rings on?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. You said she used poor English?

Mr. COWELL. She could talk quite readily.

Mr. BUSIEK. She wrote poor English?

Mr. COWELL. She wrote poor English, but she could talk with considerable freedom.

Mr. BUSIEK. Did she act like a teacher; a person with a refined education?

Mr. COWELL. No, sir; she did not. More like a business woman.

Mr. BUSIEK. She having written to you that she was a teacher, did she appear to you as a woman who was an organizer of the Y. W. C. A. and of the W. C. T. U.? Didn't you have any suspicion when you saw her and talked to her?

Mr. COWELL. I didn't pay much attention to that, as I was pretty busy taking care of the boys. She stayed only one day and left the boys, although I did think she was rather a queer kind for that work. She did not impress me like those who ordinarily do that kind of work.

Mr. BUSIEK. Had you ever heard of smuggling of Chinese before that time; using students—

Mr. COWELL. I never heard of their using them in that way. Of course, I had heard of smuggling Chinese, but not through the schools.

Mr. BUSIEK. Had you ever been given any warning—had you ever been given any warning of any kind from the Immigration department?

Mr. COWELL. No, sir.

Mr. BUSIEK. That these students might attempt to escape?

Mr. COWELL. No, sir.

Mr. BUSIEK. Now, after they did leave, did the immigration department or anyone from there tell you that they had tried to get them back or had any line on them or knew where they had gone?

Mr. COWELL. All I know is what these letters say. They don't seem to indicate.

Mr. BUSIEK. Did Inspector McCabe go into the matter thoroughly with you—display considerable interest?

Mr. COWELL. He seemed to want to know all I knew about them. Did not seem to offer any information, except to find out where they had gone if possible. He thought it was his duty to track them.

Mr. BUSIEK. Will you please leave this correspondence until we can make copies of it, Mr. Cowell?

Mr. COWELL. Yes; I may have other letters if I look through my file, because I thought after the incident was closed there would be no other use for them. But I do not recall letters only except from Dakota and Chicago, and I think from Providence, and these from Boston.

Commissioner O'CONNELL. Have you heard anything of the boy since?

Mr. COWELL. No, sir.

Commissioner O'CONNELL. Around in this section?

Mr. COWELL. Haven't heard a single thing of them.

Chairman WALSH. Have you made any inquiry?

Mr. COWELL. No, sir; didn't know where—

Mr. BUSIEK (interrupting). This one boy came back after Christmas holidays?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. And stayed with you. How many stayed?

Mr. COWELL. There were three only. Chin On did not come back for a week or two after we commenced the term, and then he returned and stayed out through the year.

Mr. BUSIEK. Did you not make any inquiry from this boy as to whether or not he had heard from his former companions?

Mr. COWELL. I don't recall.

Mr. BUSIEK. Did you say anything about the Government inspectors having been around inquiring about it?

Mr. COWELL. I don't think I did, to him.

Mr. BUSIEK. Did you to the one that was the interpreter—what was his name, Moy Wing?

Mr. COWELL. I can't remember.

Mr. BUSIEK. Did you say anything to him?

Mr. COWELL. I don't remember that I did.

Mr. BUSIEK. Did you ask him what had become of these boys?

Mr. COWELL. I think I did.

Mr. BUSIEK. What did he say?

Mr. COWELL. Well, I think he knew where some of them were, because if there was any bills he was to send for them.

Mr. BUSIEK. The whole 20 were apparently of the coolie class—Chinese laborers?

Mr. COWELL. Well, they were rather a crude-looking crowd, except this Moy Wing was quite an intelligent-looking fellow.

Mr. BUSIEK. When was your school founded, Professor?

Mr. COWELL. Opened in 1875.

Mr. BUSIEK. What is the name of the corporation?

Mr. COWELL. Trustees of Cushing Academy.

Mr. BUSIEK. And how many scholars had you in the year 1911 all together?

Mr. COWELL. About 200. I don't remember exactly now.

Mr. BUSIEK. About 200?

Mr. COWELL. Yes.

Mr. BUSIEK. Is that the highest number you have had at any time?

Mr. COWELL. It has varied from 185 to 240.

Mr. BUSIEK. And what are the terms of your school?

Mr. COWELL. The tuition, board, and room, about \$300.

Mr. BUSIEK. Have you a catalogue, such as you sent this woman at the time in your file?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. A catalogue for that year?

Mr. COWELL. Yes, sir.

Mr. BUSIEK. Will you please submit that to us so we can make it a part of this record?

Mr. COWELL. Yes.

Mr. BUSIEK. Now, who was the individual who taught these boys while they were there during that time?

Mr. COWELL. Rev. J. J. Miller, pastor of the Congregational Church.

Mr. BUSIEK. Is he in the city?

Mr. COWELL. He is in Ashburnham.

Mr. BUSIEK. Is there anybody else that they came in touch with there?

Mr. COWELL. He was in charge of them, because all of our teaching force was engaged in the regular classes and because he was willing to come in and teach, and we paid him for it.

Mr. BUSIEK. What did you pay him?

Mr. COWELL. I don't remember.

Mr. BUSIEK. Have you had any Chinamen come to your school under such circumstances before?

Mr. COWELL. No, sir.

Mr. BUSIEK. Had you ever taken any person or persons outside of the regular plan of having graduated from a grade school, as I understand it?

Mr. COWELL. Occasionally we will take a younger student who is willing to be tutored privately until he can get ready for the regular classes; but very few.

Mr. BUSIEK. This is the only instance of this kind that ever occurred?

Mr. COWELL. Where we had a number of that kind.

Mr. BUSIEK. A number of what kind?

Mr. COWELL. As large a number come in that way.

Commissioner O'CONNELL. Did you ever have any correspondence with the Hings before that time—before this occasion?

Mr. COWELL. No, sir; I did not know anything about them until her first letter.

Commissioner O'CONNELL. How did they come to write your school, do you suppose?

Mr. COWELL. I don't know. She referred in one of her letters, I think, to an American consul, gave his name as a reference; but we don't seem to have that reference here. I think there is another letter from her somewhere in the files.

Commissioner O'CONNELL. I think I saw a letter where she referred to some one over there.

Mr. COWELL. Yes, sir; I think that is right. I thought probably she was legitimate because of referring to the American consul or vice consul. But that letter, I think, is somewhere in existence.

Commissioner O'CONNELL. I think she wrote such a letter.

Mr. COWELL. I think that is the first one she wrote or maybe the second.

Commissioner O'CONNELL. Now, have you formed any idea at all as to the real purpose of those people in bringing those boys there—whether in your mind after your seeing that she was not really an English scholar such as to be a teacher, have you formed any opinion as to what their real purpose was?

Mr. COWELL. Well, after the visits of the last inspector and what he told me of her history so far as he knew it and of similar attempts—I have had very strong suspicion that it was not for school purposes only—all of it; may have been some of it, but I did not suspect it at that time.

Chairman WALSH. Have you had any Chinese students come in since that time?

Mr. COWELL. Yes, sir.

Chairman WALSH. How did they come?

Mr. COWELL. They have come individually or recommended by some former Chinese students.

Chairman WALSH. How many have you had since that time?

Mr. COWELL. We have averaged 6 to 10 a year.

Chairman WALSH. Have you a list of those students and whom they gave for reference?

Mr. COWELL. I have them on file; yes, sir—somewhere.

Chairman WALSH. I wish you would submit a list of those, if you please, Professor.

Mr. COWELL. Some of them now are in the Boston "Tech." and Cornell, and I have heard from them since they have left. And three we had last year went up to the University of Vermont and have been there this last year.

Commissioner O'CONNELL. Did you keep a record in your office showing just where they went or where they told you at least they were going?

Mr. COWELL. Yes; and in fact I have heard from nearly every individual. I have a list of all the Chinese students in this country.

Commissioner O'CONNELL. I wish you would give us a list of those, if you please.

Mr. COWELL. There were two came to us from the Chinese rebellion, and I think they were sent to America as a sort of a reward and their bills were paid.

Commissioner O'CONNELL. I wish you would give us a list of all you had beginning with these 20.

Mr. COWELL. And you mean also before that time?

Commissioner O'CONNELL. We will say for two years before that time and including these 20 and all you have had since that time together with the references.

Mr. COWELL. Yes, sir.

Chairman WALSH. Please, now, when do you think you could do that, Professor?

Mr. COWELL. Well, I can not do it before next week, because I am starting on my vacation to-day for one week to Rhode Island.

Chairman WALSH. Is there anybody else in the school could furnish it?

Mr. COWELL. I can send to the office.

Chairman WALSH. Well I wish you would notify them then that we will have a man out there, the sergeant at arms, and to turn it over to him.

Mr. COWELL. Yes. I could do it better if I could be there.

Chairman WALSH. Yes; but we will be in town only two days and we want it as quickly as we can get it, because we may make some further inquiry about it.

Mr. COWELL. Very well.

Chairman WALSH. That is all, then. Thank you, Professor.

(Witness excused.)

(The following letters were presented in connection with the testimony of the Witness Cowell in addition to those read by him at the time:)

BRAINTREE, MASS., *January 9, 1912.*

PRINCIPAL OF HIGH SCHOOL,
Ashburnham, Mass.

DEAR SIR: I have been asked to write you by Chin Bing, regarding Chin On, whom he says has been going to high school in your town, although he is not sure what school. Anyway the boy came down to Boston to see his friends and decided to stay here and go to school, but he says he did not pay for four weeks' board and Chin Bing wants to forward the money in payment, but has been unable to find out from the boy who to send it to, simply says he owes the teacher for four weeks' board. Now, if you can tell me if you have had a young Chinese boy in your school by that name, or if not and you will make inquiries among the other schools and see what you can find out, it will be very much appreciated.

Yours, very truly,

NELLIE BELYEA.

"Has this been paid?"

CHICAGO, ILL., *April 30, 1912.*

Mr. COWELL: Moy Wing wrote me that the balance due you for the four boys, Moy Fook, Moy Deuck, Moy Tone, Hugie Teong, was fifteen dollars, which amount I have sent him. If that amount is not all to settle our indebtedness, please let him know, and I will send it to you. With best wishes and kind regards, I remain,

Respectfully,

MOY FOOK.
MOY DEURK.
MOY TONE.
HUGHIE TEONG.

J. A. M.
No. 2500/464-C.

DEPARTMENT OF COMMERCE AND LABOR, IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER, CHINESE DIVISION,
Boston, Mass., January 18, 1912.

Mr. H. S. COWELL,
Principal, Cushing Academy, Ashburnham, Mass.

DEAR SIR: Acknowledgment is hereby made of the receipt of letter of January 4, 1912, from Chun Yun, at Deadwood, S. Dak., and same is herewith returned, in accordance with your request.

Please accept our thanks for your courtesy in the matter.

Very respectfully, yours,

GEO. P. BILLINGS, *Commissioner.*

WMP

6018 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

J. A. M.
Bo. 2500/439-C.

DEPARTMENT OF COMMERCE AND LABOR, IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER, CHINESE DIVISION,
Boston, Mass., January 31, 1912.

Prof. H. S. COWELL,
Principal, Cushing Academy, Ashburnham, Mass.

DEAR SIR: Acknowledgment is hereby made of the receipt of your letter of January 30, 1912, returning the photographs inclosed with my letter of January 29, 1912, with the advice that the photograph marked Moy Wing is that of the boy of the same name who is now at Cushing Academy.

Thanking you for your courtesy in the matter,
Very truly, yours,

JEREMIAH J. HURLEY,
Assistant Commissioner.

WMP

J. A. M.
No. 2500/439-C.

DEPARTMENT OF COMMERCE AND LABOR, IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER, CHINESE DIVISION,
Boston, Mass., February 6, 1912.

Prof. H. S. COWELL,
Principal, Cushing Academy, Ashburnham, Mass.

DEAR SIR: Herewith I return the letter of February 1, 1912, addressed to you by Moy J. Hing, relative to the failure of the Chinese students recently admitted to Cushing Academy to return to school at the end of the Christmas vacation, which was received by us this morning.

Please accept our thanks for your courtesy in forwarding same.
Very truly, yours,

JEREMIAH J. HURLEY,
Assistant Commissioner.

WMP
Inclosure No. 11120.

CUSHING ACADEMY, PRINCIPAL'S OFFICE,
Ashburnham, Mass., November 4, 1913.

FRANK P. WALSH,
Chairman Commission on Industrial Relations, Washington, D. C.

SIR: In replying to a request to relate my experience with Mr. Moy J. Hing and his wife, Sarah E. Hing, and the admission of some 20 Chinese students at the Cushing Academy, Ashburnham, Mass., on or about November 17, 1911, I have to submit the following for your information:

On June 29, 1911, I received a letter from Mrs. Sarah E. Hing, then in Canton, China, requesting a catalogue of Cushing Academy. On August 19, 1911, I received another letter advising me of the arrival of the catalogue, also stating that she would leave China for the United States on or about September 23, 1911, and would arrive at the academy about October 30, 1911.

She did not reach the academy until about November 19, 1911. She explained that the delay was due to the authorities at the point of entry, which she had successfully overcome.

The students were provided with quarters by themselves, as many of them could not speak any English and desired to be alone. We experienced no difficulty with them.

On reaching the Christmas holidays, a vacation of about two weeks, the Chinese students prepared to spend this time with their people—some claimed they were going to parents, brothers, uncles, etc. When the time arrived to resume their studies, out of the 20 students that came with the Hing's, only 3 responded. After waiting some days I notified Mr. George B. Billings, immigration commissioner at Boston, Mass., of the absence of the Chinese students.

Subsequently I was advised by Mr. Billings that he would send an inspector to the academy to make an investigation. Soon thereafter Inspector McCabe called, and he was informed of the facts herein given. On January 20, 1912, I received a letter from Mr. Billings advising me that Inspector McCabe had located some of the boys attending other schools.

In the meantime I had received several letters from some of the boys showing that they were scattered many ways—some as far West as Deadwood, N. Dak.; while others claimed to be attending at the Jones's Public School at Chicago, Ill. These letters I sent to Commissioner Billings, who returned them to me, stating that the department would investigate. In each case the writer inquired if there was any money due the academy, and appeared anxious to pay any claim against him.

I also communicated with Moy Hing and his wife regarding the departure of the students they had placed in the academy, and in reply I was told by them that the boys did wrong in leaving and offered to find them, adding that they (Hing and wife) could not make them attend the academy if they refused.

In conclusion I have to say that the Chinese students paid up in full for the period they attended the academy except \$8.10—not the full year. That they appeared satisfied with their surroundings; that they appeared to wait until the Christmas vacation so as to have an opportunity to leave the academy the easiest way, which is apparent in the letters which I have received from some of them. They were at the academy but a few weeks—from November 17 until Christmas. Yet on January 4, 1912, I received a letter from two of the boys mailed at Deadwood, N. Dak., to the effect that they had decided to remain with their friends in Deadwood. As Deadwood is many miles away and the date, January 4, is but a few weeks after they left the Cushing Academy, it is rather significant.

Another letter from two of the boys, mailed at Chicago, January 6, 1912, states they are attending the Jones's Public School of that city. There are several others of which the above letters are a sample.

The records and letters are on file at the office of the Cushing Academy and are subject to your wishes at any time.

Very truly, yours,

H. S. COWELL, *Prin.*

MOY J. HING, OF WO-HING CO.,
18 First St., West, Duluth, Minn., 1, 22, 1912.

MR. COWELL: Dear friend excuse delay in answering yours of the 11, but as I just received it I am not responsible I am so sorry my boys have been dissatisfied with the school I choose for them and one I feel sure is in every way an advantage to them. I have to day written to each one to know why they have did such a thing as to leave where I had paid and taken the trouble as you know which was not a little to give them the best. I will try and find out what the trouble is and let you know but as to their going to work I am sure they will not do that as I have the best of authority in regards to their going to school. probly they think the expences too high for beginners as some of their guardians so informed me. as to that. I will try and get a report and send same to you as erly as I receive one. as you will see from above I am going into a little business for myself, by the above address. Now Mr. Cowell I want to thank you for all you have done fore me and my people and also wish to assure you that I will do all in my power to get the boys back I cannot do more untill then I wish to remain ever youre most sincere friend.

MOY J. HING.

DULUTH, MINN., Feb. 1, 1912.

MY DEAR MR. COWELL: You have no idea how badly I feel abought the boys leaving your school. I have written to each one in regards to same and so far have heard from too Lee Chung Lee Gunn they are both attending public school in Union Town Penn. Haw Kee Hong is going to Public school in Sanfrancisco Call, the above boys have guaranteed me as soon as they finish the Primer grade to return to Cushing Academy. each say that Bording rooming and Schooling is a little to heigh for beginners. Now Mr. Cowell do any of those boys owe you any thing if so please let me know. I will see that it is paid. I am realy honestly sorry but as they are realy going to school I cannot anything. I got nothing but trouble bringing them over here and am surely sorry I had anything to do with it I will think twice before I do a favor for any one again I have reported to the Emegration department at Vancouver myself. well as this is all at present will close. hoping to here from you soon I remain most

Sincerely

MOY J. HING.

Moy J. Hing,

18 West First St., Duluth, Minn., 27/12.

Mr. COWELL: Dear friend excuse delay in answering yours of the 5th but Mrs Hing has been very ill near the point of death, but is some better now we have had two doctors they advise our return to China at once as the climate is to cold here for her. In regards to the boys leaving you—I am very sure they will return to Cushing Academy a little later and Mr. Cowell Mrs Hing turned over every cent she received for tuition from those boys as Mr. Burgholtz knows also the International Branch at Canton do not believe to much what boys say for in fact those boys do not know what was paid for them as the money was paid by their Guardians and they still owe my wife for their fair so as I say do not believe to much, well as I am so busy I will close, write more next time and hope to hear from you soon I am ever yours most sincerely

Moy J. Hing.

TESTIMONY OF MR. GEORGE B. BILLINGS.

Mr. BUSIEK. State your name in full, Mr. Billings.

Mr. BILLINGS. George B. Billings.

Mr. BUSIEK. What is your position?

Mr. BILLINGS. Commissioner of Immigration for the port of Boston.

Mr. BUSIEK. How long have you held that position?

Mr. BILLINGS. Seventeen years.

Mr. BUSIEK. Been here in Boston all that time?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. How long have you been with the service, Mr. Billings?

Mr. BILLINGS. Seventeen years.

Mr. BUSIEK. You have been commissioner for 17 years?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. What is the Boston district?

Mr. BILLINGS. Well, the Boston district comprises all of New England except the border. We have nothing to do with the Canadian border.

Mr. BUSIEK. Who has that in charge?

Mr. BILLINGS. The commissioner of immigration at Montreal, John H. Clark.

Mr. BUSIEK. Is Buffalo under your office?

Mr. BILLINGS. No; I think that is under Mr. Clark.

Mr. BUSIEK. Have you any men at New York—any interest there?

Mr. BILLINGS. No, sir.

Mr. BUSIEK. How many men have you got working on Chinese matters exclusively?

Mr. BILLINGS. Three.

Mr. BUSIEK. Who are they?

Mr. BILLINGS. John A. McCabe, John G. Sullivan, and Walter—I can't think of his middle initial—Perry. He is the stenographer.

Mr. BUSIEK. He is the man who signs "W. M. P."?

Mr. BILLINGS. Oh, that is it—Walter M. Perry.

Mr. BUSIEK. You say he works on Chinese matters?

Mr. BILLINGS. Practically or almost entirely.

Mr. BUSIEK. As a stenographer?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. What is his official designation?

Mr. BILLINGS. I think it is clerk. I think all stenographers are run as clerks. I may be wrong in that; it may be stenographer and clerk.

Commissioner DELANO. Is he a civil-service appointee?

Mr. BILLINGS. Oh, yes; they are, every one, down at our office, civil-service appointees.

Mr. BUSIEK. How long has Inspector McCabe been in your department?

Mr. BILLINGS. I could not tell you. I should say in the vicinity of 12 years.

Mr. BUSIEK. And how long has Inspector Sullivan been there?

Mr. BILLINGS. Well, I can't say. Sullivan and Perry came into the service, as I remember it, about the same time. Perry came to Boston and Sullivan went to Richford. I think that has been about 10 years. And Sullivan stayed at Richford, Vt. That was originally under Mr. Shell.

Mr. BUSIEK. What station did Mr. Shell have at that time?

Mr. BILLINGS. Originally he was in Boston, and then he had charge of Richford also.

Mr. BUSIEK. Was Richford under the Boston office?

Mr. BILLINGS. Not originally. I had nothing to do with the Chinese until Secretary Cortelyou came in. I can't tell you the date.

Mr. BUSIEK. About what year was that?

Mr. BILLINGS. It was at the time the Department of Commerce and Labor was created.

Mr. BUSIEK. That was under the McKinley administration?

Mr. BILLINGS. Yes. As I should say, I think it was about a dozen years ago, as far as my memory goes.

Mr. BUSIEK. I have a list here that shows that Mr. Sullivan entered the service in about 1903. That is substantially correct?

Mr. BILLINGS. Well, I said 10 or 12 years ago; yes.

Mr. BUSIEK. He has been stationed here in the Boston district during that entire time, has he?

Mr. BILLINGS. No; he was originally sent to Richford.

Mr. BUSIEK. Where is Richford?

Mr. BILLINGS. Richford, Vt.

Mr. BUSIEK. Yes.

Mr. BILLINGS. It is up about—I can not tell you exactly. It used to be a port of entry. There used to be Malone, N. Y., and Richford, Vt., as ports of entry.

Mr. BUSIEK. Is Newport, Vt., a port of entry?

Mr. BILLINGS. No; Newport never was a port of entry, but it was near Richford, which came under the Boston office, and Malone under the New York office.

Mr. BUSIEK. What ports are there on the Atlantic coast for the entry of Chinese?

Mr. BILLINGS. Well, there is Boston and New York and—I can't remember.

Mr. BUSIEK. And Atlanta?

Mr. BILLINGS. I don't remember the southern ports.

Mr. BUSIEK. Any place on the Canadian border where Chinese are allowed to come in?

Mr. BILLINGS. Yes; by all the ports they come in now on the Canadian border.

Mr. BUSIEK. They are permitted to enter there under your jurisdiction?

Mr. BILLINGS. There are no ports under my jurisdiction except Boston. We used to have Richford, and then they abolished that, and then afterwards they came by way of Halifax to Boston, and the department stopped that some years ago.

Mr. BUSIEK. Now back in 1903, or thereabouts, there was considerable smuggling of Chinese into this country, was there not? That is, organized smuggling at the time of the *Bonita* and the *Frolic*—

Mr. BILLINGS (interrupting). I was trying to think what year that was. 1903? I have forgotten whether that was before we had the station or not. I think it was after 1903 that the *Frolic* came in.

Mr. BUSIEK. It was when Inspector Shell was here?

Mr. BILLINGS. Yes; he had charge of the Chinese. That is, he had it under my jurisdiction. I think that was in 1905 or 1906; I am not sure.

Mr. BUSIEK. At that time there was considerable organized smuggling, was there not?

Mr. BILLINGS. Why, there was supposed to be; yes.

Mr. BUSIEK. Well, didn't it subsequently transpire that there was?

Mr. BILLINGS. Well, it looks so the way the thing turned out. There was no question but it was organized on this *Frolic*. We were five or six weeks looking after them, trying to capture them, and had every revenue cutter and lighthouse keeper along the coast looking out for them, and they finally came in after the officer had been previously kept away from his vacation for a week or two looking out for them; and after he left they came in.

Mr. BUSIEK. They were caught by the police eventually?

Mr. BILLINGS. The police originally got hold of them.

Mr. BUSIEK. And was anyone ever sent up for that?

Mr. BILLINGS. I have forgotten just how far they did go. The captain escaped, as I remember it, and whether Phillips—there was a man named Phillips—

Mr. BUSIEK (interrupting). Well, for your information I will say to you that Goodman Phillips was convicted.

Mr. BILLINGS. Oh! He was! I had forgotten. He was in so many of those scrapes. Then I think that was the only one he was ever convicted for.

Mr. BUSIEK. Goodman Phillips is quite a character amongst the smugglers, or is reputed to be a smuggler?

Mr. BILLINGS. He has been supposed to be mixed up in a good many things.

Mr. BUSIEK. Did your department keep a watch on Phillips?

Mr. BILLINGS. We did for a time until I think he moved out of our jurisdiction. So far as I know lately I don't think he has been here, though there has been some correspondence in regard to him. I have forgotten just what it was. Mr. McCabe can tell you.

Commissioner DELANO. Mr. Busiek, did you mean that this man was a general smuggler, or just a smuggler of Chinese?

Mr. BUSIEK. Just a smuggler of Chinese.

Are there any other characters here in Boston who are noted smugglers?

Mr. BILLINGS. Well, in this *Frolic* case there was a man by the name of Linehan; then there was another man, I think, who was convicted who kept a flower stand in the alleyway here outside of the city hall.

Mr. BUSIEK. As a result of the *Bonita* and the *Frolic* expeditions Inspector Shell was reduced, was he not?

Mr. BILLINGS. He was sent to New York.

Mr. BUSIEK. And reduced?

Mr. BILLINGS. Yes; I think his salary was reduced.

Mr. BUSIEK. It came to your department, did it not. It is a fact, is it not—

Mr. BILLINGS. He was transferred from here from in charge to another position in New York which at that time was not considered as good.

Mr. BUSIEK. Now, what was your method of detecting smuggling?

Mr. BILLINGS. You mean in that *Frolic* case or in others?

Mr. BUSIEK. Take the *Frolic* case, for instance.

Mr. BILLINGS. Well, we had, through the department, notified all the lighthouse keepers, the life-saving people, the revenue cutters, and the customs officers. Of course, we had no men of our own on the lookout—could not have except casually as we could do it. We did not have enough men. Then there was a boat before that got in at Marblehead without question and landed passengers, and the customhouse boat had been at Gloucester on the lookout. You see, this boat was five or six weeks coming down what ought to have taken her only a week or two.

Mr. BUSIEK. Well, didn't you have men up in Nova Scotia or Newfoundland, where the expedition was organized?

Mr. BILLINGS. I think Mr. McCabe—this is quite awhile ago and my memory is not the best on this. This is 10 years ago. I think Mr. McCabe went up there, and then Inspector Turner, of Yarmouth, investigated also.

Mr. BUSIEK. Where does your information ordinarily come from in smuggling cases?

Mr. BILLINGS. Well, if my memory serves me right, it came from a reporter on the Transcript.

Mr. BUSIEK. Well, that was in that particular case?

Mr. BILLINGS. Yes.

Mr. BUSIEK. But the cases of Chinese smuggling generally, how do you get your information?

Mr. BILLINGS. It usually has to come from outside sources. We can't mingle in with them, of course. They would be suspicious if our inspectors came in with them and we wouldn't get anything out of them. We ferreted out that case down in Mexico where they were arrested. We had an inspector down in Eastport—one of those men down there, I think, for a long while—I say a long while—two or three weeks—watching; and they had—I can't think of the name of it now—a boat and it was afterwards caught down in Mexico somewhere.

Mr. BUSIEK. Do the Chinese themselves ever give up any information as to supposed smuggling?

Mr. BILLINGS. Not very often, unless it is spite; and then you can't depend on them when it is spite.

Mr. BUSIEK. What do your inspectors do? That is, how is their time occupied—the Chinese inspectors?

Mr. BILLINGS. Well, to-day they are mostly occupied in investigating the outgoing Chinese or the cases that land on the border or at Vancouver—mostly in Vancouver. As to the outgoing Chinese, it is to look up and make an investigation and recommendation to the commissioner in charge as to whether to give them a certificate or not.

Mr. BUSIEK. Explain to me what you have to do with the Chinese at Vancouver—landing there?

Mr. BILLINGS. Well, if a Chinaman lands at Vancouver and they are not satisfied with his right to land, and he has come into this district, of course they send the papers on here and we investigate as to whether we think he has a right to land, and then we make a report there making our recommendation.

Mr. BUSIEK. Well, the Chinaman who leaves this country arranges for his reentry, doesn't he?

Mr. BILLINGS. Not always.

Mr. BUSIEK. Not always?

Mr. BILLINGS. No, sir.

Mr. BUSIEK. If he fails to do so, he can still enter by making a proper showing?

Mr. BILLINGS. Proof; yes, sir.

Mr. BUSIEK. How many cases do you say you have a month of Chinese making application to leave and return?

Mr. BILLINGS. I couldn't tell you that—the detailed part of it. I have so much in the other end I do not pay much attention to the details. Mr. McCabe or Mr. Sullivan will give you that.

Mr. BUSIEK. You have a Chinese interpreter?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. How long has he been with you?

Mr. BILLINGS. I don't remember. I would not want to say. Four or five years, I think. I couldn't tell.

Mr. BUSIEK. What is his name?

Mr. BILLINGS. Moy—you got me there. It is Moy something.

Mr. BUSIEK. Moy Shere?

Mr. BILLINGS. Moy Shere, I think it is.

Mr. BUSIEK. Been here since March, 1911?

Mr. BILLINGS. Well, then, it is only three years.

Mr. BUSIEK. Who was your interpreter before him?

Mr. BILLINGS. Why, we had two. One was transferred to San Francisco and the other one disappeared; I don't know where he ever did go; he left the service suddenly. Then we had Chin Wille before him.

Mr. BUSIEK. What became of Chin Wille?

Mr. BILLINGS. Afterwards got transferred—got out of the service.

Commissioner DELANO. How much were they paid?

Mr. BILLINGS. Interpreters used to be paid \$5 a day, and then they were cut down to \$4.

Mr. BUSIEK. The present man gets \$1,200 a year, doesn't he?

Mr. BILLINGS. Then they cut it down still further.

Mr. BUSIEK. Chin Wille lost his position because of irregularities?

Mr. BILLINGS. Well, I always thought well of Chin Wille.

Mr. BUSIEK. But it is a fact——

Mr. BILLINGS (interrupting). Yes; I think he did. I think he was discharged from the service.

Mr. BUSIEK. The one that was transferred to Frisco was under yourself here, too, was he not?

Mr. BILLINGS. No; he was—I can't think of his name—he was supposed to be a Christianized Chinaman.

Mr. BUSIEK. Isn't it a fact that the preachers here in this town rose up in arms against him and preferred charges of immorality against him?

Mr. BILLINGS. Oh, no; not this one. I mean they were very much in favor of him; but—what is the name?—there was one very notorious one that afterwards went away from here. I can't think of his name. He afterwards——

Mr. BUSIEK (interrupting). Have charges ever been filed against your present interpreter?

Mr. BILLINGS. No; I think not. Not with us anyway.

Mr. BUSIEK. Has he ever been investigated by the department that you know of?

Mr. BILLINGS. Not while he has been here.

Mr. BUSIEK. Now, in the event that a Chinaman wants to leave for China, to return, you make an examination of his papers?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. His identification papers?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. And if they are all O. K. you issue him a permit to go to China and return.

Mr. BILLINGS. Well, we used to show—if he went out of Boston we would issue a permit, but we only make our recommendation to the port where he goes from and they give him the permit. When they used to go from here to Halifax we used to issue a permit with a picture and signature and everything of that kind; but now we don't have anything to do with that. We just make our report to the port of departure.

Mr. BUSIEK. Now, describe what kind of a certificate a Chinaman has which entitles him to residence here.

Mr. BILLINGS. They have got to show that he is a native or a merchant; or, if he is a laborer, there are certain ways he can go across and come back. He has got to have property at least of \$1,000 or an American wife or children—I can't just remember just the details of what it is. Of course, I don't investigate any cases myself, you understand.

Mr. BUSIEK. You never have?

Mr. BILLINGS. I never have.

Mr. BUSIEK. You never have done any Chinese work yourself?

Mr. BILLINGS. No.

Mr. BUSIEK. They do have certificates with the photographs on, do they not?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. Isn't there a general charge that there are many, many forged certificates in circulation?

Mr. BILLINGS. Yes.

Mr. BUSIEK. You have encountered some of those here in Boston possibly, have you not?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. Have you ever run to the ground any of these forged certificates? Or have you ever found who was issuing them or how they were gotten?

Mr. BILLINGS. Well, there is a certificate called the McGettrick certificate, supposed to be a fraudulent certificate, issued in Vermont.

Mr. BUSIEK. Explain to us about the McGettrick certificate.

Mr. BILLINGS. I would rather have Mr. McCabe explain that. He can do it better than I can. I would be glad to do it, though, but——

Mr. BUSIEK (interrupting). Do that just as well as you can just in a general way?

Mr. BILLINGS. I don't know that I could.

Mr. BUSIEK. Who was Mr. McGettrick?

Mr. BILLINGS. He was a United States commissioner.

Mr. BUSIEK. Of the district court up there in Vermont?

Mr. BILLINGS. Yes, sir; in Vermont.

Mr. BUSIEK. And the charge was—am I right?—that he would issue certificates to Chinese?

Mr. BILLINGS (interrupting). He kept no record of his certificates at all; that is, as I understand it. He did not keep any record, and you could take with a glass—I have seen cases where you could see that they were not proper certificates. In fact, I have seen this with those very certificates.

Mr. BUSIEK. Well, a certificate has a seal punched on it?

Mr. BILLINGS. Well, sometimes they do not agree with what they should be. I can't explain it very well, but the mark won't be the same as the original certificate should have. We don't get many of those now; that is, practically haven't had any for some time. That is, I don't think we have; I don't remember of hearing.

Mr. BUSIEK. Well, each certificate also has a Chinaman's picture on it?

Mr. BILLINGS. Yes, sir; the certificate, you know—that is a picture and the seal is supposed to be over the picture.

Mr. BUSIEK. Stamped over the picture?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. Is it not true that the Chinese acquire considerable art or skill in forging these—in soaking the pictures off and putting on a new picture and then by steaming or some other process make these indentures in the paper?

Mr. BILLINGS. I do not know how much of that is done; but we have seen some of it, we were satisfied was done.

Mr. BUSIEK. Now, when you run across such a Chinaman he is arrested and held for deportation, is he not?

Mr. BILLINGS. He is.

Mr. BUSIEK. If you find a Chinaman with a forged certificate——

Mr. BILLINGS. Then we try to get an order for his arrest. But, of course, it is pretty hard to get a Chinaman out of the country.

Mr. BUSIEK. Well, why is it hard?

Mr. BILLINGS. Well, every kind of legal process is brought against us in the matter.

Mr. BUSIEK. State the steps that you take in attempting to deport a Chinaman.

Mr. BILLINGS. Well, in the first place, to-day if it is found that a Chinaman is here illegally we do one of two things, either apply to the department for a warrant of arrest or go before a United States commissioner and ask for a warrant.

Mr. BUSIEK. Apply to what department?

Mr. BILLINGS. Our own department.

Mr. BUSIEK. You have got to get authorization from Washington?

Mr. BILLINGS. Yes. We can not touch a Chinaman, or can not touch anybody, or we can not do anything unless we arrested them on a warrant, or something of that sort. We either have to go to the commissioner to get a warrant for him or get it from our department.

Mr. BUSIEK. The hearing before the United States commissioner is not conclusive?

Mr. BILLINGS. No; they can appeal to the court.

Mr. BUSIEK. To the circuit court?

Mr. BILLINGS. To the district court.

Mr. BUSIEK. And then appeal lies from that, of course, to the appellate court?

Mr. BILLINGS. Yes, sir; and sometimes it is three or four years. We have cases now that have been hanging now three or four years.

Mr. BUSIEK. Do you ever have a jury trial in those cases?

Mr. BILLINGS. No, sir; not that I know of.

Mr. BUSIEK. Is the hearing before the commissioner—and then, you say, there is an appeal to the district court?

Mr. BILLINGS. They appeal to the district court; but, of course, if the commissioner lets them go, that is about the end of it.

Mr. BUSIEK. How many cases have you had in the last year, approximately?

Mr. BILLINGS. I have not any idea.

Mr. BUSIEK. Would you say it is as high as a hundred?

Mr. BILLINGS. Oh, no. No, no; nowhere near that.

Mr. BUSIEK. How many United States commissioners are there in Boston?

Mr. BILLINGS. Well, there is only one commissioner; but there are, I think, probably we might call them alternates or assistant commissioners in case he is sick or away.

Mr. BUSIEK. My understanding is there are four United States commissioners in this district?

Mr. BILLINGS. All I know of is Mr. Hayes and Mr. Hale and one other—I can't think of his name. I did not know there was a fourth.

Mr. BUSIEK. Who tries the most cases?

Mr. BILLINGS. Mr. Hayes.

Mr. BUSIEK. And he has tried them for a number of years, has he not?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. What kind of success does your department have in cases tried before Commissioner Hayes?

Mr. BILLINGS. Not very good.

Mr. BUSIEK. Did you ever make a request of the district attorney that he send these cases to some of the other commissioners for hearing?

Mr. BILLINGS. I think we have. I don't mean to say that positively, because I am not sure; but I think we have.

Mr. BUSIEK. Who would make that request, you or some one of your subordinates?

Mr. BILLINGS. Probably come through me. It would have to come through me if it was made, but whether they have done it I can't say offhand.

Mr. BUSIEK. Now, isn't it a fact that there has been considerable talk about town that Hayes turns all the Chinamen loose; that it is of no use to take cases before him because he will turn them loose?

Mr. BILLINGS. I should rather go before somebody else. I think, as a matter of fact, that that matter has been brought to the attention of the department,

suggesting that it would be better for us to have them brought before somebody else. But that rests with the United States attorney more than with us.

Mr. BUSIEK. It does. Have you ever tried to get the United States attorney to cooperate with you and assign—you know, as a matter of fact, that he has the right to assign them to whatever commissioner he chooses?

Mr. BILLINGS. I think we have. I don't know that we have ever wanted to get into a controversy about the matter. We have suggested it. Whether we have brought it right to a head, I won't say that we have.

Mr. BUSIEK. Do your men ever complain to you that it is no use to bring up cases before Hayes?

Mr. BILLINGS. Why, leaving Chinese aside, I consider that in most immigration cases it is foolish to take them up before him. That is something I know more about than I do about the Chinese. I feel that it is practically absurd to take any case up, because if we are going to get turned down, or if the sentence is going to be so light that it don't amount to anything—we have practically given up taking up all immigration cases—unless we take it for granted we have to——

Mr. BUSIEK (interrupting). General immigration cases don't have to go before United States commissioners?

Mr. BILLINGS. Oh, yes—I mean for the prosecution of a man bringing a woman in for immoral purposes or if we want to prosecute a man for using citizens papers fraudulently we have got to go before them.

Mr. BUSIEK. To deport an undesirable alien you don't have to go before a United States commissioner?

Mr. BILLINGS. No; the only thing is if they get a writ out against us, then it goes up to the district court.

Mr. BUSIEK. But that leaves the commissioner out?

Mr. BILLINGS. Yes; the commissioner has nothing to do with that.

Mr. BUSIEK. Why do you bring your Chinese cases before the commissioner?

Mr. BILLINGS. Because if you arrest anybody—that has been the ruling of the department as I understand it.

Chairman WALSH. I didn't hear that.

Mr. BILLINGS. As I understand the ruling of the department is that we have got to take them before the commissioner. If a case comes in here, for instance a stowaway, anything of that sort, then we act under the general immigration laws and do not have to take him before a commissioner.

Mr. BUSIEK. The general immigration act provides that if a Chinaman, or if any person within three years after his entry, is found to be an undesirable person, the immigration authorities can deport him?

Mr. BILLINGS. Yes; but you find a Chinaman who has been here 20 years and has not got his proper papers and you can show it, he has got to go.

Mr. BUSIEK. But most of the cases you find have not been here that three years?

Mr. BILLINGS. I don't know how that would be.

Mr. BUSIEK. Have you ever tried that; or getting a ruling on that?

Mr. BILLINGS. Yes; I don't remember the exact details of it, but I assure you we don't take any more before Commissioner Hayes than we have to.

Mr. BUSIEK. Did you ever attempt to deport any without taking them before a commissioner?

Mr. BILLINGS. Yes; and did the other day, a Chinaman found on a frulter.

Mr. BUSIEK. A stowaway?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. I realize that you could turn him back; but suppose you find a Chinaman down here in some laundry as to whom you would have some information through various sources that he came into this country, say, two years ago. Is there any law which you know of or any ruling of your department which would prevent you from treating him just as you would any other undesirable alien under the general immigration laws?

Mr. BILLINGS. Yes; I would say that we would take him before—if you get a warrant you could hold him under the warrant, but if you don't get a warrant you have to take him before the commissioner. I have forgotten just exactly how this is, but in these immigration matters we never go to the commissioner except for prosecution or a writ that goes before the district court.

Mr. BUSIEK. The point I am trying to make is, suppose you pick up some woman here in Boston in a house of prostitution and she had come over from France, say, two years ago, you would not take her before the United States commissioner?

Mr. BILLINGS. No.

Mr. BUSIEK. Suppose now you find a Chinaman in a laundry who had come over here from Canton two years ago; would you take him before the commissioner?

Mr. BILLINGS. I am not clear now. We did used to have, but whether we are taking them there now or trying to run them on our own warrant—we have had so few lately I am not clear; I am not sure.

Mr. BUSIEK. What is your best information as to the conditions in Boston here now in regard to smuggled Chinese?

Mr. BILLINGS. Why, I don't think they are smuggling many. If they are smuggling them, they probably come through the border. I don't think there are any coming in in vessels. We have caught a few odds and ends. We caught some on the White Star boat. We caught two one time about a year ago, I think it was, and caught two last fall on a Hamburg-American boat, who tried to come in as Japanese; and we caught one the other day, as I say, on a fruiter that came in here, that was in a barrel of empty beer bottles, and they were going to get him out in the barrel.

Mr. BUSIEK. Well, leaving that part of it aside, did you ever make a census of the Chinese in your district or keep any tab on them?

Mr. BILLINGS. No; we have not for years. Years ago we made a raid on Chinatown, which was quite—and we got quite severely criticized.

Mr. BUSIEK. I think that was when Mr. Shell was here, and when you arrested some 300 of them.

Mr. BILLINGS. Yes, sir; and we sent back some 50 or 60 of them that we found were here illegally.

Mr. BUSIEK. But this criticism was of the method of the officers and the manner of doing it. Weren't there a lot of Chinese hurt in that raid?

Mr. BILLINGS. No, sir. There were two Chinamen hurt. There was a barge tipped over. It was an unfortunate thing. We had a barge there to take them down—to hold them. It was before we had our station. And the barge in starting—this was, I think, in 1903—and the barge in starting—I went to the captain of police and myself went and took about half the Chinamen. They had them crowded in so much, and the man when he went to start the team went to turn on the car track; I told him to be careful, and this driver when he started to move it, and it shook a little, and it was full of Chinamen, and they rushed to one side, and naturally the barge tipped right over, but there were only two of the Chinamen hurt, I think, and six policemen were all injured. One broke his ankle and another was badly hurt, and out of the 30 Chinamen only 2 were hurt.

Mr. BUSIEK. Now, you did in that raid—when you rounded up some 300 Chinese—you did, as matter of fact, deport 50 or 60?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. That was in 1903?

Mr. BILLINGS. That was just offhand, and it shows the percentage of Chinamen at that time, here at least, illegally was pretty large.

Commissioner DELANO. What percentage?

Mr. BILLINGS. I think it was 50 or 60 out of about 300.

Mr. BUSIEK. And, as a matter of fact, a good many of those that were turned loose really ought to have been deported?

Mr. BILLINGS. Well, some went off on bonds that we never saw afterwards.

Commissioner DELANO. How many Chinese were there in the census?

Mr. BILLINGS. In the country?

Commissioner DELANO. No; in this district.

Mr. BILLINGS. Oh, we did not get the—

Commissioner DELANO. I thought you tabbed them all up to that time.

Mr. BILLINGS. Oh, no.

Commissioner O'CONNELL. Did you just go out haphazard and pick up 300?

Mr. BILLINGS. Oh, no; I will tell you how it happened. There had been a fight between two Chinese factions, and there had been, I think, two or three murders committed, and there was to be a burial this Sunday afternoon. And the captain of police went to the United States attorney's office and asked—said they could not stop more murder and said there were a lot of Chinamen there illegally, and that they could not do anything unless the United States would come in. And the United States attorney advised us to get John Doe warrants at that time and arrest these fellows—men that could not show their right to be here. And we telegraphed to Washington and asked them—told them what we were going to do and asked for extra interpreters and in-

spectors, and they sent them on. And we rounded them up, and, as fast as they could show their proof, we let them go. And there was only, as I remember, two hurt.

Mr. BUSIEK. Well, as a matter of fact, you sort of threw a net around the Chinamen?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. And when you worked them through, out of about 300 Chinamen examined you found there were between 50 and 60 that had no right to be here and they were deported?

Mr. BILLINGS. I think that is about it.

Mr. BUSIEK. And a number of others you failed to make the cases against them stand?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. And some escaped on bond?

Mr. BILLINGS. I think so.

Mr. BUSIEK. Now, that was indicative, then, of the large percentage of Chinese in this country who had no right to be here?

Mr. BILLINGS. Absolutely.

Mr. BUSIEK. Have you any reason to think that the percentage has fallen any since that time?

Mr. BILLINGS. Well, I think—yes; I do. I think the department has been stricter and I think there has been more work done to keep them out. Of course, there were men—that was back—let's see, 11 or 12 years ago.

Mr. BUSIEK. Do you have any better success now in getting Chinese deported whom you suspect than you did then? You say the department—

Mr. BILLINGS (interrupting). I don't mean my department, you understand; but on account of the delays of courts, and so on. I should say no; we did not have any better success.

Mr. BUSIEK. But you say you never made any kind of census in your district?

Mr. BILLINGS. I don't think we did; I think we did during Mr. Shell's time make some kind of a census, but what it was I don't remember.

Mr. BUSIEK. About how many Chinese did you find?

Mr. BILLINGS. I don't remember.

Mr. BUSIEK. More than a thousand, say, in Boston?

Mr. BILLINGS. You see, our district is a pretty large district, and there are a lot of Chinamen in Connecticut and Rhode Island. I don't know whether Mr. McCabe ever tried to do that or not, but I have no idea.

Mr. BUSIEK. Have you any method for exchange of information with other departments or other stations? For instance, if a Chinaman comes here from Chicago does the Chicago office notify you?

Mr. BILLINGS. Well, they would not notify us unless we asked them for it, unless we found we had a man come from there and might ask for information, the same as we do in other immigration cases, or persons going to Chicago and we ask them to investigate it.

Mr. BUSIEK. It seems to me that the Immigration service has gone to a whole lot of trouble furnishing these Chinese with identification cards.

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. And yet you do not keep any tab on these cards after they are once given out?

Mr. BILLINGS. Well, we keep tab. We have a copy of them.

Mr. BUSIEK. But this Chinaman is free to roam wherever he wants to, and just keep this identification card?

Mr. BILLINGS. Yes.

Mr. BUSIEK. And if that Chinaman should die—say he got his card in Boston, and he went from Boston to St. Louis—

Mr. BILLINGS. I see what you mean; but the picture would be on it.

Mr. BUSIEK. But the Chinese show considerable skill in removing the pictures and putting others on?

Mr. BILLINGS. But I do not think the way the pictures are made to-day they can do that. They would have to get somebody who looked pretty much like the picture itself.

Mr. BUSIEK. Well, all the Chinese look pretty nearly alike. Isn't it a fact that you send up records right here from Boston, where the inspectors here decide that this picture identified a man and the department officers at Washington look at the picture and decide that it did not?

Mr. BILLINGS. Well, I think our inspectors—I won't say for myself, because I acknowledge that I don't see enough of them and wouldn't pass on them—but

I think our inspectors come pretty near telling. I don't mean in every case, but most cases.

Mr. BUSICK. Well, don't the Chinese, for instance, take the certificate of a dead Chinaman and soak that picture off, and then paste another on, and make this——

Mr. BILLINGS (interrupting). I think that has been done; but I don't think they do it very much now with the new identification.

Mr. BUSICK. Is there any reason why it could not be done as easily with the new as with the old identification?

Mr. BILLINGS. Well, I think these pictures and these markings on the certificate are such that it would be a good deal harder to do it.

Mr. BUSICK. Do you use any special paper?

Mr. BILLINGS. Yes, sir; it is a special paper.

Mr. BUSICK. Now, if Chinese students are admitted on the Pacific coast destined to your district, does the Pacific coast station which admits them notify you?

Mr. BILLINGS. Yes; I think they do.

Mr. BUSICK. And under the law it seems—or under the regulations of the immigration department it appears that these students must have sponsors or persons to vouch for their bona fides as student?

Mr. BILLINGS. Yes.

Mr. BUSICK. Do you make any investigation of those people?

Mr. BILLINGS. Yes; that is part of the inspectors duty, and then the report goes to Washington.

Mr. BUSICK. Now, if a batch of students are admitted on the Atlantic coast and the sponsors for those students are scattered all over the country, what office will make investigation?

Mr. BILLINGS. Well, the office in the district they come in.

Mr. BUSICK. Take the case, for instance, of the students admitted to Cushing Academy.

Mr. BILLINGS. We made the investigation.

Mr. BUSICK. Your office here?

Mr. BILLINGS. Mr. McCabe has got that thing in hand. There were 20 of them, as I remember it, and, as I remember it, Mr. McCabe, knowing the Cushing Academy, was the one that looked into it over there thoroughly. I don't think he really expected that they were going to stay there, but he has got all the facts and about how long they did stay there and where they disappeared to, and so forth, and so on.

Mr. BUSICK. These students came to Cushing Academy November 19, 1911, and left December 20, 1911?

Mr. BILLINGS. Yes.

Mr. BUSICK. And the first correspondence which Mr. Cowell, the principal of Cushing Academy, had with your office, I believe, was a letter from you with the initials—it is initialed in the corner P. M. W.?

Mr. BILLINGS. I can tell if I see the initials.

The REPORTER. W. M. P.

Mr. BUSICK. W. M. P.

Mr. BILLINGS. Well, isn't it down at the bottom something else?

Mr. BUSICK. I think it is a letter of December 6. Here is the letter.

Mr. BILLINGS. McCabe is the one that wrote the letter. This down here in the corner is the stenographer; but this up here is the man that writes the letter.

Mr. BUSICK. So that letter was written by Mr. McCabe?

Mr. BILLINGS. Yes, sir. We put in the initials in the corner.

Mr. BUSICK. Now, you knew at the time that these students were there—or knew at the time these letters were being written—generally what was going on?

Mr. BILLINGS. Oh, yes; yes, sir.

Mr. BUSICK. And that letter of December 6, in referring to the woman who was to bring, or who had brought, the students over, that letter refers to her as an "alleged teacher of English in China." Now, do you remember of having any discussion with Mr. McCabe at that time and prior to the desertion of these students, as to whether or not they were bona fide students?

Mr. BILLINGS. No; I did not; only on general principals I would have had some. It would have been a question in my mind and his mind, too, I think, that they were not, so many of them coming together, although, of course, Cushing Academy has always stood very high as a school. I never heard anything against it.

Mr. BUSIEK. Well, isn't this Chinese student game one of the favorite methods of smuggling Chinese into this country? Isn't it rather common——

Mr. BILLINGS (interrupting). We never had much—well, that is really the only big one we have ever had, I think. We have had odds and ends—separate cases, but I don't remember of ever having a big lot like that before.

Mr. BUSIEK. But amongst the immigration authorities isn't that generally known——

Mr. BILLINGS (interrupting). Well, I think it is always looked upon with suspicion.

Mr. BUSIEK. In a Chinese student case isn't it——

Mr. BILLINGS (interrupting). Well, I won't say that.

Mr. BUSIEK (continuing). Isn't the presumption against every case until they are proved?

Mr. BILLINGS. Yes; I should say the presumption is against them.

Mr. BUSIEK. How many cases of Chinese students would you say you had in the last five years in all the Chinese schools?

Mr. BILLINGS. I should say more in that time than we have had altogether besides.

Mr. BUSIEK. But you had had already some experience with fraudulent Chinese-student cases up to that time, had you not?

Mr. BILLINGS. I don't remember any.

Mr. BUSIEK. Is that the first experience your office had?

Mr. BILLINGS. Well, I can't remember—the first big case, anyway, we ever had. We did not admit them. You understand they were admitted by Vancouver.

Mr. BUSIEK. Admitted by Vancouver; but you made the investigation as to their credentials?

Mr. BILLINGS. Yes; and I think—I don't remember—of course I haven't seen the papers for some time, but I don't remember that we were very strenuous to have them come in. I may be wrong in that, but I don't think we were.

Chairman WALSH. I didn't hear that. You were not very strenuous about what?

Mr. BILLINGS. About wanting to admit them, as I remember it. The report there will show probably.

Chairman WALSH. You mean you were not strenuous about investigating——

Mr. BILLINGS (interrupting). No; not very strenuous about admitting them—not very strenuous about allowing them to stay. I think the report there will show what it—but I haven't seen it for some years.

Commissioner LENNON. Well, does that mean that you had some doubt about their eligibility under the law?

Mr. BILLINGS. Well, had some doubts about whether they would stay as students—whether they would not disappear. I think probably all did go Christmas except three or four.

Commissioner LENNON. All except three?

Mr. BILLINGS. All except three; yes.

Commissioner LENNON. Well, isn't it customary to hold these students at the port of entry until you are satisfied whether or not they are bona fide students?

Mr. BILLINGS. Well, I should say they would hold them, I would think.

Commissioner LENNON. Well, they would not admit them at Vancouver until you reported favorably?

Mr. BILLINGS. Well, I don't know how that is. They get our report, and it is for them to decide whether they consider it favorably or unfavorably.

Commissioner LENNON. You have no right to keep them out of the district if they landed them?

Mr. BILLINGS. No.

Commissioner LENNON. Have you no system of keeping check on any Chinese whom you suspect?

Mr. BILLINGS. What do you mean? No, we can not—we haven't got the force with which to keep in touch with the Chinamen. We would have to have a good deal larger force than we have to follow them up. The only cases we can follow up at all—even immigration cases—is bond cases, and then it takes a great deal of time.

Mr. BUSIEK. Well, now, Cushing Academy is a reputable school?

Mr. BILLINGS. Yes, sir.

Mr. BUSIEK. And they would cooperate with you to the extent of furnishing you reports?

Mr. BILLINGS. Well, I think they would furnish us reports, and did—that they did not return after Christmas

Mr. BUSIEK. What action did you take then when you found out that they had not returned?

Mr. BILLINGS. I can't remember that. I haven't any idea. That is all shown in the records.

Mr. BUSIEK. Well, what would you do in the ordinary course of affairs when such a case arises?

Mr. BILLINGS. We attempt to find out where they went to after their going from Cushing Academy, of course, and see if we can find out who they would go to and who their friends and relatives were, and who they would naturally go to.

Mr. BUSIEK. Is there any action you can take against these friends that would have given this information?

Mr. BILLINGS. I don't know whether you can prosecute for perjury or contrary to the act.

Mr. BUSIEK (interrupting). For assisting in smuggling——

Mr. BILLINGS (interrupting). For assisting in getting them in contrary to law or not.

Mr. BUSIEK. Have you ever contemplated or advised such action?

Mr. BILLINGS. We have done that in immigration cases.

Mr. BUSIEK. Have you ever done it in Chinese cases?

Mr. BILLINGS. I don't remember of ever having done it in Chinese cases.

Mr. BUSIEK. Do you have any complaints now about Chinese being smuggled into this district?

Mr. BILLINGS. Oh, yes.

Mr. BUSIEK. How frequently?

Mr. BILLINGS. Oh, I couldn't say. They are mostly—they very seldom give any names signed to the letter, practically always anonymous letters. We got letters this morning about a man up in Springfield—an anonymous complaint. Still we look into it.

Mr. BUSIEK. Who looks into it?

Mr. BILLINGS. If it is Chinese, either McCabe or Sullivan would look into it.

Mr. BUSIEK. And what is this stenographer's name?

Mr. BILLINGS. Mr. Perry.

Mr. BUSIEK. Mr. Perry, where is he?

Mr. BILLINGS. He is on leave now.

Mr. BUSIEK. And when you get such a complaint you send up a man to investigate it?

Mr. BILLINGS. As soon as we can.

Mr. BUSIEK. Hasn't there been considerable complaints by the Massachusetts Laundrymen's Association? Have they made any formal complaint?

Mr. BILLINGS. No; I don't think I ever heard of any complaint from them.

Mr. BUSIEK. Have you heard of their making any investigation as to the Chinese?

Mr. BILLINGS. No.

Mr. BUSIEK. Is this Cushing Academy matter you just turned that over to Mr. McCabe?

Mr. BILLINGS. Absolutely, except he would confer with me after his report was turned in. We would talk over matters before the report was sent to Washington, and I would either agree with him or have him change his report or I would change my letter. You understand I don't sign everything that he turns in. I took a letter the other day that he turned in and turned it around absolutely, because I did not agree with him.

Mr. BUSIEK. Had you ever heard of this Sarah Hing before they brought in the 20 Chinese to Cushing Academy?

Mr. BILLINGS. No, I never heard of her.

Mr. BUSIEK. Well, didn't it occur to you that when these Chinese all left Cushing Academy it would be well to get the person that brought them over?

Mr. BILLINGS. I don't remember what we did do.

Mr. BUSIEK. For your information, if you don't remember——

Mr. BILLINGS (interrupting). I don't remember.

Mr. BUSIEK. There is correspondence here two months after those Chinese left Cushing Academy showing the whereabouts of the people who brought them over. Did you ever make any effort to find those people?

Mr. BILLINGS. Why I think that the reports were sent to the different districts where they went. Almost all of them went out of Massachusetts if I remember rightly. Now, we know now to-day where I think practically half of them are. The other half we have lost sight of entirely—that is, the half of them that are in the different schools.

Mr. BUSIEK. Well, you have no regulation as to what school they must attend?

Mr. BILLINGS. No.

Mr. BUSIEK. Can a Chinese student, for instance, come in and enter at Vancouver and say he is going to the Cushing Academy, Ashburnham, Mass., and go there awhile and live there and then go to any other place—

Mr. BILLINGS. That would be for the department to determine—whether he said he was carrying on any educational work in any institution. I don't think they would care if he really went to another institution but was really carrying on educational work.

Mr. BUSIEK. Doesn't he have to get permission before he can change?

Mr. BILLINGS. No; I think not—if they are satisfied.

Mr. BUSIEK. Well, he becomes a free lance, and your department quits watching him the moment he enters an institution?

Mr. BILLINGS. No; we try to follow him up as to whether he stays or not and to get reports about him. But, as I say, as I understand it, we have got track of half of these people still in various institutions, and know what institutions they are in; but there are half of them that we haven't any track of. We would like to find them, but I don't see what else you can do. If you did the way you do when you let people in under bond you could make them produce them.

Mr. BUSIEK. Then you think it would be advisable that the law be amended or a regulation be made requiring these students to give bonds?

Mr. BILLINGS. I think if it would not be contrary to the treaty, or anything, I think that would be a very good thing. Whether it would be contrary to the treaty, I don't know.

Mr. BUSIEK. The Chinese law as it now exists, do you think that is all that could be desired? Have you any suggestions to offer?

Mr. BILLINGS. No; I would want—

Mr. BUSIEK (interrupting). Is there any amendment that could be made to that law?

Mr. BILLINGS. No; I would not want to suggest—an immigration officer is getting on delicate grounds if he makes any suggestions against certain races.

Mr. BUSIEK. This is an executive session.

Mr. BILLINGS. Well, a person would not want—or, as an official, I would not want to go on record—

Mr. BUSIEK (interrupting). Well, I am just asking you personally, now, in this executive session what the weaknesses of the present law are?

Mr. BILLINGS. Well, personally, I think that allowing these people to go home and come back—although it might be an injustice not to do it on those who are entitled to it, and native Chinese—of course, the native Chinese, we are up against a big snag there. That is something you could not stop, you know.

Mr. BUSIEK. Native Chinese citizens of the United States?

Mr. BILLINGS. Yes; we can not stop them.

Mr. BUSIEK. And they can go and come as they choose?

Mr. BILLINGS. Yes.

Mr. BUSIEK. But why are you up against a snag about Chinese being allowed—the domiciled Chinese, who are not natives or citizens of the United States that have a right to be here—what objection is there to their going back?

Mr. BILLINGS. The natives?

Mr. BUSIEK. Yes.

Mr. BILLINGS. There is a question of whether they will come back or not come back. To-day I think we are stopping them; but I think for a time there, way back there, used to be changing of pictures. I think the way things are to-day, it is a good deal harder for Chinamen to get in than 10 or 15 years ago.

Mr. BUSIEK. Yes; your idea is that the Chinese go back to China; that is, a Chinaman would leave Boston and go to China and send his brother or some relative or friend back?

Mr. BILLINGS. Yes; that is what they used to do, without any question. I don't think they do as much to-day; whether they do it at all or not I could not say, but I suppose they do.

Mr. BUSIEK. Do you find many cases where Chinese merchants bring in fraudulent wives and children?

Mr. BILLINGS. You see we are a port of entry; but they do not come to Boston now, so I don't have much to do with that. We did find—well, no, we did not find many. We had three or four cases, I think, that came here at that time, but very few.

Mr. BUSIEK. About how many cases do you handle out of this port in a year?

Mr. BILLINGS. Going out?

Mr. BUSIEK. Yes.

Mr. BILLINGS. Well, that I don't know. I think—not out of here, but simply an investigation of cases that go out from Vancouver, San Francisco, Malone, or some place like that—well, I couldn't tell you.

Mr. BUSIEK. Isn't it pretty generally known, or are there not strong reasons for suspecting, that there is organized smuggling going on from the West to the East, into the United States, of Chinamen?

Mr. BILLINGS. Well, there has always been suspicion as to that, but we have never been able really to find it out.

Mr. BUSIEK. What is there to prevent a Chinaman from coming up on a steamer from the West Indies and dropping off out in the harbor? Do you inspect the steamers as they come in to see whether or not there is any contraband Chinese stowed away on them?

Mr. BILLINGS. Well, there is some one, generally, either down to the steamer or when she gets to the wharf. We don't go below Quarantine on any steamer; under the quarantine regulations we are not supposed to.

Mr. BUSIEK. Do you make an examination of her so thorough that there would be no possibility of a stowaway?

Mr. BILLINGS. No; there is no way possible of making an examination of a steamer that they can't smuggle under. We have examined Italian ships and examined and examined. But it is just like a lot of rat holes in these steamers, and I wouldn't say for one minute but what they could smuggle in an odd Italian, I think; but it would be harder to smuggle in a Chinaman, because people are suspicious if they see a Chinaman on a dock. They would be suspicious, while they might not be suspicious of any other nationality.

Mr. BUSIEK. Well, granting that a Chinaman would be willing to pay high for the privilege of entering this country, wouldn't it be worth some man's while to take a boat—a motor boat—and drop alongside of one of these steamers?

Mr. BILLINGS (interrupting). Well, then, you have got the whole crew, and they mostly have an English crew on them; and these steamers don't anchor first, except very seldom, but come up to the wharf. They don't come in on a schedule. You can't tell when they are going to come in; they are not like a railroad schedule. They might come in the morning or at any other time, and they may be in 24 hours or 24 hours later.

Mr. BUSIEK. Then it is your opinion that the smuggling of Chinese has practically stopped at this port?

Mr. BILLINGS. I say practically. I don't say there is none, but I don't think it is reasonable, the way the customs, or the way things are organized now, show that they are watching for them and they are on duty all the time. Of course, we don't have the men at the docks day and night—in fact, we haven't got the force to do it—but the customs officers have got people on the dock day and night, and, in fact, it was the customs officers that discovered some Chinamen over on the White Star Line here last fall for us.

Mr. BUSIEK. Isn't there considerable suspicion amongst you men that great numbers of Chinese cross the Canadian border?

Mr. BILLINGS. Why, I should naturally think that Chinamen have a chance to get across the Canadian border and the Mexican border also, because it is hard to patrol.

Mr. BUSIEK. Have you any idea how many men they have got upon the Canadian border?

Mr. BILLINGS. No.

Mr. BUSIEK. How far apart are the stations? Have you any idea at all?

Mr. BILLINGS. No; offhand, I couldn't tell. We have a record of where each station is, but I couldn't tell you that. That is something, of course, that comes under Mr. Clark, and I have nothing to do with that. He starts from the Maine coast and goes to Vancouver.

Mr. BUSIEK. What system of inspection have you? Suppose a Chinese smuggler would bring 20 men across the Canadian border and plumped them down in

the middle of Boston somewhere; have you any way of checking on the Chinese population at all?

Mr. BILLINGS. No.

Mr. BUSIEK. So you would know whether or not those men were smuggled in?

Mr. BILLINGS. No.

Mr. BUSIEK. You have not conducted a general raid since 1903?

Mr. BILLINGS. No, sir. We were set on so hard for that that we haven't been looking for any more trouble.

Mr. BUSIEK. And when a Chinaman then gets past the border into an interior town or large city his troubles are over?

Mr. BILLINGS. They are apt to be unless somebody reports he is there and you arrest him. But there is not much chance of it.

Mr. BUSIEK. Unless he should be "turned up" as they say by some enemy?

Mr. BILLINGS. Yes.

Mr. BUSIEK. He would not be barred?

Mr. BILLINGS. I don't think they would find him.

Mr. BUSIEK. There is no system of inspection that would catch him?

Mr. BILLINGS. No; I don't know how there could be.

Mr. BUSIEK. And the only efforts made are made right at the border?

Mr. BILLINGS. Unless something is reported, of course.

Mr. BUSIEK. I believe that is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner LENNON. In the landing of those 20 students at Vancouver, did the Vancouver authorities know that they were bound for this school?

Mr. BILLINGS. Yes.

Commissioner LENNON. Well, then, did they have to be assured that they were in compliance with the American law or the Canadian law in order—

Mr. BILLINGS (interrupting). American law. They could not land in Canada—I think students are the same as individuals in Canada and have to pay a head tax. They all of them come right through. We have arranged with them for them to come right through—

Commissioner LENNON (interrupting). I didn't know as to the application of the law, whether when they landed there they had to comply with ours or with theirs.

Mr. BILLINGS. No, sir; as long as they are coming right through I don't think the Canadians bother them at all.

Commissioner LENNON. Is there any division of authority in the carrying out of the exclusion law between the different departments of the Government? Does it all come under one department?

Mr. BILLINGS. Well, any other department, if they saw any smuggling, any of the customs department they have always endeavored to help us, if they see what they think is any smuggling of Chinamen; and the customs department, of course, is more nearly mixed in with our department than any other.

Commissioner LENNON. But the examination and the effort to exclude any one that it seems should be excluded, it all comes under your department?

Mr. BILLINGS. Yes; it would be reported to our department.

Commissioner LENNON. Has there ever been a man in the employ of your department since you have been here by the name of Skeffington?

Mr. BILLINGS. No; he left before my time.

Commissioner O'CONNELL. Was he commissioner here at one time?

Mr. BILLINGS. No, sir; I think his title was contract-labor inspector. No; Mr. Delahanty was the commissioner.

Commissioner LENNON. That is all I want to ask.

Chairman WALSH. Do you want to ask this witness some questions, Mr. Weinstock?

Commissioner WEINSTOCK. Yes. Are you personally under the civil-service law, Mr. Billings?

Mr. BILLINGS. No.

Commissioner WEINSTOCK. You are not?

Mr. BILLINGS. No, sir.

Commissioner WEINSTOCK. You are appointed by the President?

Mr. BILLINGS. Yes, sir. I am the only one at our office that is not civil service.

Commissioner WEINSTOCK. Well, you have been in office now under several administrations, then?

Mr. BILLINGS. I have been under—this is—I was under McKinley and two Roosevelt terms and Taft and this present one.

Commissioner WEINSTOCK. This makes the fifth administration?

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. Well, was it the custom previously to change the immigration commissioner with the administration?

Mr. BILLINGS. Well, there was only one before me. It was under the State authorities before that. Mr. Delahanty was appointed commissioner under President Cleveland, and before that it was under the State authorities.

Commissioner WEINSTOCK. Does the revenue service cooperate with you at all?

Mr. BILLINGS. Why, yes; whenever we ask them.

Commissioner WEINSTOCK. They have proved to be perfectly willing and cooperate cheerfully?

Mr. BILLINGS. Yes, sir; and in the *Frolic* case they did everything I think they could for us.

Commissioner WEINSTOCK. Are there many Chinese prostitutes here?

Mr. BILLINGS. I don't think there are, but I would not—

Commissioner WEINSTOCK. Do they have Chinese houses of prostitution?

Mr. BILLINGS. So far as I know there aren't any, but I suppose in all probability there must be on general principles.

Commissioner WEINSTOCK. Well, are the Chinamen here permitted to enter white houses of prostitution? In San Francisco it is forbidden under the Asiatic law.

Mr. BILLINGS. I don't think there is any particular provision, but I think with the general feeling and idea against it it would not be practicable.

Commissioner WEINSTOCK. It would be a municipal affair, anyhow?

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. And it would not come under your province?

Mr. BILLINGS. No, sir.

Commissioner WEINSTOCK. So officially you would not know anything about it?

Mr. BILLINGS. No; I would not know anything about it.

Commissioner WEINSTOCK. Now, in San Francisco, where I have made some investigations on this whole matter, I find the widest possible difference of opinion as to the number of contraband Chinamen in America. I have had an estimate made as low as 1 per cent being contraband, and I have had an estimate as high as 33 per cent being contraband. Now, are you in a position to express any opinion as to what percentage of the possibly 60,000 or 70,000 Chinese in America are contraband?

Mr. BILLINGS. I could not say. The only thing I could say would be—or give any information—would be our experience in that raid, and in that, as I remember it, it was a little over 20 or 25 per cent.

Commissioner LENNON. Well, were they really taken at random?

Mr. BILLINGS. At random.

Commissioner LENNON. Or a selected bunch?

Mr. BILLINGS. Absolutely at random. We took every Chinaman that we saw.

Commissioner WEINSTOCK. Do you know about how many Chinese are in your territory?

Mr. BILLINGS. No, sir; I do not.

Commissioner WEINSTOCK. No census was ever taken of them?

Mr. BILLINGS. I don't think there was. Mr. McCabe might give you some information on that.

Commissioner WEINSTOCK. In identifying by issuing these certificates you issue them from this port, as well as other ports; do you issue certificates to Chinese here?

Mr. BILLINGS. When they go out we do; but they go out so seldom now, we make our report and they issue the certificate at the port of departure.

Commissioner WEINSTOCK. Do you have the thumb system used in the identification—for identification purposes?

Mr. BILLINGS. I don't think it is. We have had so few—I don't think it is.

Commissioner WEINSTOCK. Do you personally handle the Chinese end of the business at all?

Mr. BILLINGS. No, sir; I do not.

Commissioner WEINSTOCK. You do not?

Mr. BILLINGS. No, sir.

Commissioner WEINSTOCK. So you have only long-distance information?

Mr. BILLINGS. That is the idea. Mr. McCabe and Mr. Sullivan have full charge of the Chinese immigration business, and the other part of it I handle personally and know all about it.

Commissioner WEINSTOCK. In regard to the question of the students that went to Cushing Academy, Mr. Billings, can you tell us from your own recollection in how far they were followed up by the department—the missing ones?

Mr. BILLINGS. No; I can not do it. I don't remember just how far this thing went.

Commissioner WEINSTOCK. Who would be the logical people to follow up cases like that, you or the people at Washington?

Mr. BILLINGS. Well, it would be Washington to designate. If in our district we ought to follow them up, but they can go to New York or Pennsylvania.

Commissioner WEINSTOCK. And when they go outside of your district you would have no jurisdiction to follow them up?

Mr. BILLINGS. No, sir. We are supposed—for instance, if a person went to an academy in New York and then disappeared from there and came to Massachusetts, then it would be our duty to look them up here if we were told about it.

Commissioner WEINSTOCK. Your district begins and ends where?

Mr. BILLINGS. It is the whole of New England except the border.

Commissioner WEINSTOCK. Well, then, can you recall whether any of these students from Cushing Academy did remain in your district?

Mr. BILLINGS. Yes; there were some, but I can not tell you the names.

Commissioner WEINSTOCK. Do you recall whether they were followed up; and if so, what became of them?

Mr. BILLINGS. No; but we have a record now of where they are—some of them.

Commissioner WEINSTOCK. You don't know of any that were deported from that group?

Mr. BILLINGS. No; I do not think any were deported—to my recollection.

Commissioner WEINSTOCK. You might explain to us why the border is excepted from your territory?

Mr. BILLINGS. Because the entire Canadian border is taken charge of—New York City is the same way, or any of the border States. It all comes under the jurisdiction of Mr. Clark, who is the American commissioner of immigration for Canada. That is to say, he has these border inspectors from the Atlantic to Vancouver; and if it was under us it would be a divided border. For instance, I would have Maine, Vermont, and New Hampshire, and the New York commissioner would have New York, and so on and so on.

Commissioner WEINSTOCK. Now, where Chinese are smuggled into the country, so far as you have been able to ascertain, Mr. Billings, is the promoter or professional smuggler usually a white man or a Chinaman?

Mr. BILLINGS. Why, what we have seen were usually white men.

Commissioner WEINSTOCK. Who engaged in the enterprise?

Mr. BILLINGS. Yes, sir.

Commissioner WEINSTOCK. Purely for profit, of course?

Mr. BILLINGS. Oh, yes; oh, yes.

Commissioner WEINSTOCK. In answer to Mr. Busiek's question you made it clear that if a Chinaman can once land on American soil he is practically lost in the shuffle?

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. Nothing there by which to follow him up?

Mr. BILLINGS. That is my own idea; and in any other nationality it is the same thing. If once they get in, it is pretty hard to locate them.

Commissioner WEINSTOCK. Now, if Congress were to give you full power, Mr. Billings, to stop Chinese smuggling, what would you do?

Mr. BILLINGS. Well, I don't know.

Commissioner WEINSTOCK. If Congress should come to you and say, "Mr. Billings, you know more or less smuggling is going on, and you know more about it than we do, and we give you full power. You can suggest any law you please, and we will put in operation, and we will furnish the machinery to carry it out." What suggestion would you have to make?

Mr. BILLINGS. On the border I don't know what you could do. You could not patrol the border. It would be almost impossible, I should say; and as to ships, I suppose if we had enough men we might make a search of every ship that came in, and then if they wanted to smuggle they would get some of them in. If you have ever been over a ship—we have been over Italian ships so many

times, and there are so many little rat holes and stoke holes and places of that sort, where they can get in, that it is almost impossible to get them.

Commissioner WEINSTOCK. It has been maintained by some who are pretty well informed that if you were to check up every Chinaman in America to-day you would find a goodly number who could not prove their legal residence, but yet would be legally entitled to remain here because their papers—for example those in the San Francisco fire——

Mr. BILLINGS (interrupting). Yes.

Commissioner WEINSTOCK. And many Chinamen have since been without their papers; and therefore the idea, if it should prevail, to deport every Chinaman who could not prove his legal right to remain here would do great injustice to many of them who were really entitled to remain.

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. Now, Mr. Busiek perhaps could furnish you with a copy of the proposed amendment to the Chinese-exclusion act. Have you had an opportunity to see it at all?

Mr. BILLING. No, sir.

Commissioner WEINSTOCK. Then for your information let me brief it for you and invite your criticism of it. On the theory that much injustice might be done if every Chinaman in America was checked up, and that many would be deported who have a legal right to remain here, it has been suggested that we wipe off the slate clean and that we assume that every Chinaman who is here is entitled to be here——

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK (continuing). So as to obviate any possible injustice, and that every Chinaman—every laborer—he be furnished with what might be called a passport; that he be allowed six months' time in which to ask for the passport. That at the expiration of the six months—or let me preface this proposed amendment by making this further statement. It is confidently believed that there is considerable smuggling going on. It is profitable. It is going on because it is profitable. It is profitable for the reason that has been developed here that if a Chinaman can once get on American soil he is gone. The promoter knows that and both are willing to take a chance at being caught in the act. Now, if it were possible to take the profit out of the game, then the smuggler's occupation, like Othello's, would be gone.

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. He certainly would not continue it for love?

Mr. BILLINGS. No.

Commissioner WEINSTOCK. Now, to-day the Chinese contraband if perfectly willing to pay a good round price to the smuggler and to submit himself to inevitable physical hardships and privations to get here——

Mr. BILLINGS (interrupting). No question about it at all.

Commissioner WEINSTOCK. Because he knows that once getting here he is reasonably safe.

Mr. BILLINGS. Yes.

Commissioner WEINSTOCK. But do you think that if in addition to paying a stiff price to the smuggler and in addition to the physical hardships and sufferings that he must undergo he realized that there was no certainty of his being permitted to remain here, that if he did land here he would be living with a sword suspended over his head liable to fall any moment, that there was a checking system in force such that he would know that any moment he would be liable to be called on to show his papers, which he could not do—do you think that would be a restraining influence?

Mr. BILLINGS. I question whether they would know enough about it to realize it.

Commissioner WEINSTOCK. Why? Do you think the Chinaman is so stupid and so ignorant that he does not inquire?

Mr. BILLINGS. I don't think they would understand that part of it.

Commissioner WEINSTOCK. But suppose it very soon developed——

Mr. BILLINGS (interrupting). I think after they found that a lot of them were sent back then it would change——

Commissioner WEINSTOCK (interrupting). So sooner or later it would have a restraining influence?

Mr. BILLINGS. I think sooner or later it would.

Commissioner WEINSTOCK. Now, can you suggest any better way of taking the profit out of the game——

Mr. BILLINGS (interrupting). No.

Commissioner WEINSTOCK. And in that way minimizing, if not absolutely preventing, at least minimizing the smuggling game by assuring to all laborers in the United States a passport—give them a clean slate, though they legally might be contrabands for the time being——

Mr. BILLINGS (interrupting). Yes; I understand.

Commissioner WEINSTOCK. And then after that have the Secretary of Commerce and Labor authorized or empowered by law to have a band of trained men, men specially trained for the business, divided into groups or teams, consisting, say, of an interpreter, stenographer, and an inspector, and have these groups, or crews, which would perhaps be the better name, brought into cities all over the country, inspecting at least twice a year, and, if necessary, more, and check up the whole bunch and deport those who had not certificates or papers.

Mr. BILLINGS (interrupting). The only thing would be if three men dropped in here to-day and would go in one or two parts of the city, why it would be noised around the whole district, and these fellows would be skipping out.

Commissioner WEINSTOCK. Very well. Now, you know, Mr. Edsall, do you not?

Mr. BILLINGS. At San Francisco?

Commissioner WEINSTOCK. Yes.

Mr. BILLINGS. Yes, sir.

Commissioner WEINSTOCK. He is probably one of the most experienced men in the service, with reference to Chinese?

Mr. BILLINGS. Yes, sir.

Commissioner WEINSTOCK. That criticism was made to him, and this is his answer—now, see if there is any weak spot in his answer. He said, "If you threw in untrained inspectors, that is exactly what would happen, because they would not understand how to go about it; but if you utilized men specially trained for the purpose, say, take myself, with my knowledge and experience—I can go into any town and in 24 hours quietly locate contrabands. I would get underground information"——

Mr. BILLINGS (interrupting). Well, I——

Commissioner WEINSTOCK (continuing). "Now, you see if a fellow escaped and would go to the next place he would have to be on the go all the time"——

Mr. BILLINGS (interrupting). I know; but you have got one crew that has got to go through a district that might have 2,000 people in it——

Commissioner WEINSTOCK (interrupting). Yes.

Mr. BILLINGS (continuing). And I think you would have to have a good many crews to do that.

Commissioner WEINSTOCK. Mr. Edsall estimated that three crews could accomplish it. But the idea in mind is to have enough—as many as five—which he thinks is more than necessary.

Mr. BILLINGS. Well, Mr. Edsall has had a good deal more experience with Chinese than I have. There is no question about that. But I can not say that I think that could be done unless you had a good many more crews than that.

Commissioner WEINSTOCK. How many crews, in your judgment, would be necessary, Mr. Billings?

Mr. BILLINGS. Oh, I wouldn't say. I would not want to and could not say, Mr. Weinstock.

Commissioner WEINSTOCK. Well, would it take a hundred crews?

Mr. BILLINGS. No; I don't think it would take as many as that.

Commissioner WEINSTOCK. Take 10?

Mr. BILLINGS. Oh, yes; I should think at least 10, or perhaps more.

Commissioner WEINSTOCK. Now, can you think of any better plan than that?

Mr. BILLINGS. No; I don't know how else you are going to do. Of course it is pretty tough to go out and, as you say, take men who have honestly lost their papers and bring them to trial, and you will find it so and if you do it is going to take a good deal of time, and injustice will be done and all that. We did that back in 1903—that is what started our raid. They did talk at that time of making a raid all over the United States at the same time.

Commissioner WEINSTOCK. And that would clog up all the courts?

Mr. BILLINGS. Yes, sir.

Commissioner O'CONNELL. Is there any possibility, of course, of their becoming subsidized?

Mr. BILLINGS. Of course, it is possible; but I don't think—I think the immigration officers to-day are a pretty good set of men—what I have seen of them.

Commissioner WEINSTOCK. Can you knock any other weak spot—any other hole—in that idea?

Mr. BILLINGS. No.

Commissioner WEINSTOCK. Other than the one that you think five crews would not be sufficient?

Mr. BILLINGS. The only one I can see is that the first thing the men knew they would skip off somewhere. I should think in places like San Francisco and Los Angeles it would be a good deal harder to have it done than here, because they have got so many channels there where they can work. But, of course, Falsall knows those places.

Commissioner WEINSTOCK. He knows them thoroughly and he says he can undertake to go into San Francisco under those conditions and clean it up in 24 hours and have no escapes.

Mr. BILLINGS. Well, as I say, he is a good Chinese inspector, and has had a lot of experience and probably as much as anybody.

Chairman WALSH. If there are no objections we will stand adjourned until to-morrow morning at 10 o'clock.

(Thereupon, at 4.30 o'clock p. m., an adjournment was had until the following day, Tuesday, July 7, 1914, at 10 o'clock a. m.)

BOSTON, MASS., July 7, 1914—10 a. m.

Present: Chairman Walsh and Commissioners Weinstock, Lennon, Delano, and O'Connell. E. H. Busiek, special counsel for the commission.

TESTIMONY OF MR. GEORGE B. BILLINGS—Continued.

Mr. BUSIEK. Mr. Billings, just what is the organization of your office? You are commissioner?

Mr. BILLINGS. Yes.

Mr. BUSIEK. Now, who is the next in authority under you?

Mr. BILLINGS. Mr. J. J. Hurley.

Mr. BUSIEK. What is his title?

Mr. BILLINGS. Assistant commissioner.

Mr. BUSIEK. Is there another assistant?

Mr. BILLINGS. Yes, sir; A. W. Stockwell. He was made assistant in order to sign mail when we were away.

Mr. BUSIEK. How many inspectors have you?

Mr. BILLINGS. Well, the designations down there are so mixed up. Some are inspectors and some are acting inspectors and clerks, and one thing or another.

Mr. BUSIEK. How many acting inspectors?

Mr. BILLINGS. I think we have got, counting the two Chinese inspectors, there are, I should say, 16.

Mr. BUSIEK. Sixteen inspectors and acting inspectors?

Mr. BILLINGS. No, sir. Sixteen inspectors, and then there is one at Providence and two at Portland, and there are clerks—the clerks are really stenographers.

Mr. BUSIEK. How many acting inspectors have you?

Mr. BILLINGS. Well, I am not sure how many are designated as acting inspectors.

Mr. BUSIEK. Are clerks designated as acting inspectors?

Mr. BILLINGS. If you wanted to get that absolutely correct; if you are going to have Mr. Stockwell come up, or whoever you take—

Chairman WALSH. Let us have it complete.

Mr. BILLINGS. I am giving it offhand.

Chairman WALSH. Let us have a complete list in writing of all employees in this office.

Mr. BILLINGS. He has all designations.

Mr. BUSIEK. We would like to have a complete list.

Mr. BILLINGS. I will either have it made or brought up—

Mr. BUSIEK. Have it made out and have Mr. Stockwell bring it up.

Mr. BILLINGS. Yes, sir. Do you want watchmen, laborers, or anything of that kind?

Mr. BUSIEK. We want everything you have.

Mr. BILLINGS. I will send a complete pay roll. That will be the best, I think.

Chairman WALSH. A complete pay roll?

Mr. BILLINGS. Yes.

Mr. BUSIEK. Have you the dates of the terms of service?

Chairman WALSH. Of the beginning of service?

Mr. BILLINGS. Yes, sir. I don't know how long it would take to get them out, but we have them somewhere. I don't think it would take very long. I think I could have it by this afternoon or to-morrow morning.

Mr. BUSIEK. I wish you would do that. If Mr. Stockwell comes, have him bring it up.

Mr. BILLINGS. Yes.

Mr. BUSIEK. What are the duties of the inspectors?

Mr. BILLINGS. Well, various duty, boarding vessels and examining incoming immigrants, investigating hospital cases.

Mr. BUSIEK. Investigating what?

Mr. BILLINGS. How is that?

Mr. BUSIEK. Hospital cases, did you say?

Mr. BILLINGS. Cases that go into the different hospitals, and what they call causing existing prior to landing. If a man went in with tuberculosis, and the doctor thought he had it before he came here, we can send them back up to three years after coming; and we investigate those cases to see whether they shall go back or not.

Mr. BUSIEK. Any one of these inspectors, of course, has to take cognizance of a Chinese case, if he should see it?

Mr. BILLINGS. Yes, sir; yes; indeed. Of course, if the Chinese need any assistance they go right in with them.

Mr. BUSIEK. Do the Chinese inspectors often need assistance?

Mr. BILLINGS. No, sir; not very. Once in awhile we use Chinese with the regular immigration business, too.

Mr. BUSIEK. Because they haven't much to do as compared to the others?

Mr. BILLINGS. Most of their cases we had to help them a good deal more when they came by way of Halifax.

Mr. BUSIEK. Has that been entirely stopped?

Mr. BILLINGS. Yes.

Mr. BUSIEK. That was boats coming from Halifax?

Mr. BILLINGS. They used to bring them in at Vancouver, and then the C. P. R. would bring them down to Halifax and bring them by water to Boston. The department, for some reason or other, would not allow them to come in up in the Northwest and made them come around; that is, those destined to here.

Mr. BUSIEK. Do you keep any watch on the coast; that is, at other bays?

Mr. BILLINGS. No, sir. It would be impossible to do that. You take it from north of Maine down to New York; there are hundreds and hundreds of little inlets and bays. I don't see how it would be possible to stop them from getting in. The only way would be if they get ashore and they would be suspicious of a number of Chinamen.

Mr. BUSIEK. And then notify your office?

Mr. BILLINGS. Yes, sir. That would be the only way. Can I say just a word?

Mr. BUSIEK. Yes.

Mr. BILLINGS. In regard to this paper saying this morning that they thought there is more smuggling here than at any other port. I don't think that is right. I think the reason that has gotten out is we have discovered more here. We have had very good luck in discovering them here. The papers have been full of smuggling for a long while. We went down about a dozen years ago and found a lot of smuggling of Cape De Verde Islanders. We discovered some at Providence. We have discovered, furthermore, stowaways on Italian ships—more here than at any other port. Without saying anything about any other port, I don't think you have got to search those ships to catch them.

Chairman WALSH. Have you a knowledge of any of your subordinates having received compensation from any person in this Chinese smuggling proposition?

Mr. BILLINGS. No, sir.

Mr. BUSIEK. Have you ever investigated any subordinate to find out whether or not there was any corruption in the department?

Mr. BILLINGS. I think Mr. Taylor investigated it at one time for the department.

Chairman WALSH. Did you ever make any investigation of your own subordinates?

Mr. BILLINGS. No, sir; I don't think I have; I don't remember it.

Chairman WALSH. Did you ever make an investigation personally as to the good faith of the employees of your office with respect to this Cushing University—

Mr. BILLINGS. No, sir; I did not.

Chairman WALSH (continuing). Transaction?

Mr. BILLINGS. No.

Chairman WALSH. Was there an intimation at the time that perhaps it was due to corruption?

Mr. BILLINGS. No, sir; I don't think so.

Chairman WALSH. On the part of the Cushing Academy any place?

Mr. BILLINGS. I don't think I ever heard of it.

Chairman WALSH. You never heard of it?

Mr. BILLINGS. I don't remember it.

Chairman WALSH. Has any charge of corruption ever been made to you?

Mr. BILLINGS. On Chinese?

Chairman WALSH. Yes. Against any of your subordinates?

Mr. BILLINGS. I don't think so.

Chairman WALSH. Has there been any investigation made by any outside agency into the smuggling of Chinese, to your knowledge?

Mr. BILLINGS. Mr. Taylor investigated it.

Mr. BUSIEK. Any private investigation of any sort that you know of?

Mr. BILLINGS. No, sir; not that I know of.

Chairman WALSH. You say your attention has never been called to the alleged fact that there was corruption in the department?

Mr. BILLINGS. No.

Chairman WALSH. Or that there was money used in getting Chinese in here?

Mr. BILLINGS. No.

Chairman WALSH. Or allowing them to stay?

Mr. BILLINGS. I won't say I have not heard rumors once in a while that so and so; but nothing to amount to anything. I don't remember what those were.

Chairman WALSH. Was there ever a direct charge brought to you as to any of your subordinates?

Mr. BILLINGS. I don't remember how it was about Mr. Schell, whether it was a direct charge from the outside or whether it came from the department.

Chairman WALSH. There has never been any investigation made by you inside the department here?

Mr. BILLINGS. No, sir. There were investigations before I went there; before Mr. Schell went there they had various investigations.

Mr. BUSIEK. Do you review the proceedings when a Chinaman is brought up for deportation?

Mr. BILLINGS. Do what?

Mr. BUSIEK. Do you review the papers before a complaint is made?

Mr. BILLINGS. Yes. Before complaint.

Mr. BUSIEK. To the United States commissioner; yes, sir.

Mr. BILLINGS. We do not always have the papers before they go to the commissioner. We might get the Chinaman and take him right up to the commissioner. The ones that go to the commissioners are the ones that have been here more than three years. Those come under the—I guess I stated that I did not quite understand yesterday what you meant, but those that come under three years we take under the immigration laws, and those that have not been here that long you couldn't do that.

Mr. BUSIEK. That is what we were on yesterday a while?

Mr. BILLINGS. Yes, sir. I didn't understand what you meant.

Mr. BUSIEK. So that there are some you do deport before they go to the United States commissioner?

Mr. BILLINGS. Yes, sir. We take them on our own warrant.

Mr. BUSIEK. If you are satisfied that they have not been here quite three years?

Mr. BILLINGS. Yes.

Mr. BUSIEK. What check do you keep over your office, over your Chinese officers to see that they are performing their duties? Do you assign them on the work?

Mr. BILLINGS. Not on the regular work. If they go on a detail they always come to me and report that they are going. I mean outside the station.

Mr. BUSIEK. Are they allowed to fix their own detail? For instance, can McCabe say I am going to do this to-day?

Mr. BILLINGS. Of course, I change it if there might be something that I deemed more necessary at the time that they were going to make it. Sometimes, of course, we are very shorthanded and I want a man to sit on the board of special inquiry at the office.

Mr. BUSIEK. Then you take a man off the Chinese work and have him sit there. But what I mean is this: Who directs the Chinese work, you or the inspectors themselves?

Mr. BILLINGS. The inspector really does the detail of directing it, but he comes to me for the advice as to what shall be done; that is, if anything amounts to anything. Not the real routine, he does not come to me. Of course, there are cases coming up, cases right along, that is for hearing as to the right to go out of the country.

Mr. BUSIEK. What is the attitude of your department toward Chinese witnesses?

Mr. BILLINGS. Witnesses?

Mr. BUSIEK. Yes; in cases.

Mr. BILLINGS. Well, what do you mean by that; how much do you trust them?

Mr. BUSIEK. Yes.

Mr. BILLINGS. Not very much.

Mr. BUSIEK. Do you take their testimony at all, or consider it of any probity?

Mr. BILLINGS. You have got to take it, and then there has got to be some white witnesses also. I forget just how many we have to have.

Mr. BUSIEK. Would you, if a Chinese could not bring a white person to establish his right to stay in this country, accept Chinese testimony, no matter how many Chinese are brought in?

Mr. BILLINGS. No, sir; I don't think I would unless it was an absolute dead open-and-shut case, I would not. It would not be so much the testimony as what we would find out otherwise.

Mr. BUSIEK. Are there any white men who make a business of testifying for Chinese that you have got on a sort of a blacklist now?

Mr. BILLINGS. Phillips used to be down there a good deal, but we, of course, never took any stock in him. I don't think there is any regular witness now. There used to be. I think there is a man named Holske that comes down some.

Mr. BUSIEK. That is Charles Holske? He is a rice merchant, or something of that kind?

Mr. BILLINGS. I don't know his business.

Mr. BUSIEK. He is on the blacklist now?

Mr. BILLINGS. Well, he comes down a good deal.

Mr. BUSIEK. That is all I have.

Chairman WALSH. Do you wish to ask Mr. Billings any questions?

Commissioner DELANO. I want to ask one or two questions.

Mr. Billings, as I understand this Chinese exclusion act, it does not apply to any other Asiatic nations, does it?

Mr. BILLINGS. No.

Commissioner DELANO. It does not apply to the Hindus?

Mr. BILLINGS. No.

Commissioner DELANO. Or Japs?

Mr. BILLINGS. No.

Commissioner DELANO. Or Koreans?

Mr. BILLINGS. No, sir. We have practically none of those come.

Commissioner DELANO. No.

Mr. BILLINGS. All we get; I mean the Syrians and those. The farther east we go the immigration is poorer.

Commissioner DELANO. Have you any idea how many Chinese there are in Boston?

Mr. BILLINGS. No, sir; I have not. I think we figured at the time when we made that raid there were about 2,000 around Boston and vicinity. Somewhere between 1,500 and 2,000.

Commissioner DELANO. Are there many women in that number?

Mr. BILLINGS. I think not.

Commissioner DELANO. Is the Chinese population of Boston increasing? Does the census show that it is increasing considerably or not?

Mr. BILLINGS. I don't think it is.

Commissioner DELANO. The occupations in which they can be employed here are very much restricted, are they not?

Mr. BILLINGS. I think they are practically all in laundries or in restaurants. Of course, there are some stores, but very few.

Commissioner DELANO. They do not go out as household servants or anything of that kind?

Mr. BILLINGS. I don't think any of them do here. We used to see them on the cutters, but I think they abolished that.

Commissioner DELANO. I think that is all I have, Mr. Chairman.

Chairman WALSH. Have you any questions, Mr. Weinstock?

Commissioner WEINSTOCK. I have nothing, thank you.

Chairman WALSH. That is all; thank you, Mr. Billings.

TESTIMONY OF MR. JEREMIAH J. HURLEY.

Mr. BUSIEK. What is your full name?

Mr. HURLEY. Jeremiah J. Hurley.

Chairman WALSH. What is the salary of the commissioner here, Mr. Hurley?

Mr. HURLEY. Four thousand dollars is the commissioner.

Mr. BUSIEK. The census in 1900 showed 805 Chinese in Boston; in 1905 it showed 884; in 1900 the census for Massachusetts showed 1,642; in 1905 it showed 2,224. There are no later census figures than that.

Commissioner WEINSTOCK. It is claimed, on account of the exclusion act, the numbers have been steadily and positively diminishing. Those figures would not seem to indicate that?

Mr. BUSIEK. No. What official position have you Mr. Hurley?

Mr. HURLEY. Assistant United States commissioner of immigration for the port of Boston.

Mr. BUSIEK. How long have you held that position?

Mr. HURLEY. January 5, 1895.

Mr. BUSIEK. How long have you been in the Immigration Service?

Mr. HURLEY. Since that date. Oh, not that particular position; I have not held that but I think about two years later—after the original appointment I was appointed deputy commissioner. That title has been changed to assistant United States commissioner since.

Mr. BUSIEK. Where have you been stationed in that time?

Mr. HURLEY. All of the time at Boston.

Mr. BUSIEK. All the time right here in Boston?

Mr. HURLEY. Yes.

Mr. BUSIEK. How many employees have you in the department down there all told? Or we will get that from Mr. Stockwell.

Mr. HURLEY. I couldn't tell exactly.

Mr. BUSIEK. Your duties are the same as those of Mr. Billings. I believe, when Mr. Billings is not there?

Mr. HURLEY. Just the same.

Mr. BUSIEK. And you also do active inspection work, do you not?

Mr. HURLEY. Yes, sir; and chairman of boards of special inquiry.

Mr. BUSIEK. You are chairman of boards of special inquiry?

Mr. HURLEY. Yes.

Mr. BUSIEK. Explain to this commission what are the duties of the board of special inquiry here.

Mr. HURLEY. The duties of the board are, when an immigrant is held by the inspector on primary inspection who can not show beyond a reasonable doubt that he is entitled to admission the inspector puts him before the board for hearing, composed of three officials of the Immigration Service, and they hear the case, and an interpreter, if one is needed, a stenographer to take the minutes of the hearing, and at the conclusion of all the evidence, after hearing witnesses, we take a vote and decide either on the admission or rejection of the alien. Two votes will admit if—let me explain that better: The majority vote will either admit or reject the alien, and the other member of the board can take an appeal from their decision, or the alien himself can take an appeal.

Mr. BUSIEK. To whom?

Mr. HURLEY. If it is an appealable case, to the Secretary of the Department of Labor.

Mr. BUSIEK. You say if it is an appealable case. What cases are not appealable?

Mr. HURLEY. All cases afflicted with contagious diseases, insane people, idiot, and imbecile.

Mr. BUSIEK. There is no appeal for them from the finding of the majority board of special inquiry?

Mr. HURLEY. The decision of the board shall be final, basing their motion solely upon a medical certificate.

Mr. BUSIEK. How many Chinese cases do you handle a year, approximately?

Mr. HURLEY. I couldn't answer that definitely, because the Chinese work has been left entirely to Insp. McCabe.

Mr. BUSIEK. Without supervision by Mr. Billings or yourself?

Mr. HURLEY. I look over all the appeal cases when they come to me, forward a letter of transmittal to the Secretary, and sign all correspondence.

Mr. BUSIEK. Do you ever have a board sit in Chinese cases—a board of inquiry?

Mr. HURLEY. No.

Mr. BUSIEK. Why is that true?

Mr. HURLEY. The law, I believe, states that the Chinamen can be taken from—before an individual inspector.

Mr. BUSIEK. Is that decision final and binding?

Mr. HURLEY. No, sir; an appeal can be taken from his decision to the Secretary.

Mr. BUSIEK. In the same manner as if a board of inquiry had sat on the case?

Mr. HURLEY. Yes; just the same.

Mr. BUSIEK. Who else assists Mr. McCabe in the Chinese work?

Mr. HURLEY. Mr. Sullivan—Inspector Sullivan—and Mr. Perry.

Mr. BUSIEK. Where is Mr. Perry now?

Mr. HURLEY. Off on a vacation.

Mr. BUSIEK. Do you know where he can be reached?

Mr. HURLEY. He did not inform me where he was going. He generally went up to Lake Champlain.

Mr. BUSIEK. When does his leave expire?

Mr. HURLEY. They generally get about three weeks, in the discretion of the commissioner, if he can spare him that length of time.

Mr. BUSIEK. How long has he been gone?

Mr. HURLEY. I think I saw him in the office about 10 days ago. I would not be positive.

Mr. BUSIEK. What are his duties there in the Chinese work?

Mr. HURLEY. He is a stenographer, a clerk—he attends to all the correspondence.

Mr. BUSIEK. Does he do any of the work of an inspector?

Mr. HURLEY. Not to my knowledge.

Mr. BUSIEK. Is the work which he does performed under Mr. McCabe?

Mr. HURLEY. Under Mr. McCabe's supervision.

Mr. BUSIEK. Has Perry any initiative at all—that is, has he any authority to do anything without McCabe's orders?

Mr. HURLEY. Yes, sir; we use him at times as stenographer for the boards of inquiry, or any other work that we could use him in, writing letters, etc. The correspondence is heavy at times.

Mr. BUSIEK. Does your department keep any sort of record of the Chinese in this district?

Mr. HURLEY. I believe they do.

Mr. BUSIEK. Who keeps that?

Mr. HURLEY. Mr. McCabe.

Mr. BUSIEK. Have you ever seen it?

Mr. HURLEY. I have a faint recollection of a report of the census at one time being given to Mr. McCabe. I can not say positively whether we talked the situation over or not.

Mr. BUSIEK. As nearly as I can gather, then, the Chinese work is left entirely to Mr. McCabe? He goes out on such cases as he sees fit?

Mr. HURLEY. He never leaves the office without consulting the commissioner or myself and telling us where he is going and the details of the investigation or other work connected with the service.

Mr. BUSIEK. Do you or Mr. Billings take an active interest in the Chinese work, the same as you do in the immigration?

Mr. HURLEY. I have always done so.

Mr. BUSIEK. And all papers must pass through your hands?

Mr. HURLEY. All papers that are to be sent—official documents of any kind.

Mr. BUSIEK. Do any complaints about Chinese ever come to your office?

Mr. HURLEY. They have not come to me personally with complaints.

Mr. BUSIEK. To whom do they go?

Mr. HURLEY. They are generally met by a messenger at the door and turned over to Mr. McCabe, and if there is anything of a nature of a detained Chinaman who feels as though he is not getting properly treated there in regard to food, etc., or other matters in connection with his detention, the matter is brought to either Mr. Billing's attention or mine, to see if we can not relieve the condition.

Mr. BUSIEK. Who do—but then what you know of Mr. McCabe's work is such matters only as he brings to your attention and nothing that you find out for yourself?

Mr. HURLEY. Well, I have a lot of duties there at the office, and if there is anything of importance that he thinks I ought to know that he could not decide himself he would probably take it up with me.

Mr. BUSIEK. That is what I meant.

Mr. HURLEY. Yes.

Mr. BUSIEK. Whenever you and McCabe have any conferences about Chinese matters it is matters that McCabe brings to you, rather than directions which you give to McCabe of your own motion?

Mr. HURLEY. Oh, well, if I had a complaint come in, an anonymous letter, or any complaint come in about the smuggling of Chinese, or hear surreptitiously, or telegrams received, I would take the matter up; I would adopt the initiative by taking it up with McCabe.

Mr. BUSIEK. Do you ever make any investigation of the employees in your department?

Mr. HURLEY. In what respect?

Mr. BUSIEK. To see whether or not they are doing their duty.

Mr. HURLEY. I have always tried to maintain discipline in the office.

Mr. BUSIEK. Well, what I am trying to get at, Mr. Hurley, is this: Here you have two men in Chinese work; about the only time you have any official conference with them is when they bring something to you, or should an anonymous letter come to you, or something like that, you take it up with him. They cut their cloth and sew it and merely report what they have done to you. How do you know that those men are diligent and are working hard?

Mr. HURLEY. Well, if they are going out on an investigation, they have always either come to me or Mr. Billings and told me how long they are going to be gone, where they are going, and where they can be reached.

Mr. BUSIEK. And report the results of their investigations?

Mr. HURLEY. Yes, sir. We are always in touch with them.

Mr. BUSIEK. How frequently do you have deportation cases of Chinese at this office?

Mr. HURLEY. Well, I don't believe we have them very often.

Mr. BUSIEK. Do you have as many as five a month?

Mr. HURLEY. I hardly think so.

Mr. BUSIEK. These cases are all brought before the United States commissioners, or are they—these deportation cases?

Mr. HURLEY. Why, not unless it is an applicant for admission.

Mr. BUSIEK. An applicant for admission?

Mr. HURLEY. Yes.

Mr. BUSIEK. You had been brought before the United States commissioner—you have him brought before the United States commissioner?

Mr. HURLEY. I don't see why he should under the law.

Mr. BUSIEK. He would not?

Mr. HURLEY. I don't—

Mr. BUSIEK. I don't believe you understood my question.

Mr. HURLEY. Yes.

Mr. BUSIEK. The applicants for admission are never brought before United States commissioners, are they?

Mr. HURLEY. No, sir; that is what I said.

Mr. BUSIEK. That is handled by the inspector?

Mr. HURLEY. The inspector; yes, sir.

Mr. BUSIEK. What I am trying to get at is, about how many cases go before United States commissioners?

Mr. HURLEY. Well, I couldn't answer that question.

Mr. BUSIEK. Have you had any experience in the preparation of Chinese cases for the United States commissioners or before the United States commissioners? Do you ever take any of those cases up or assist in them?

Mr. HURLEY. No.

Mr. BUSIEK. Do you know, in a general way, what results your department has had in Chinese cases before the United States commissioners here in Boston?

Mr. HURLEY. Well, from talking with the inspectors I don't believe they had good results.

Mr. BUSIEK. To what do they attribute that?

Mr. HURLEY. Well, I think more or less in the way the cases are handled before the United States commissioners.

Mr. BUSIEK. You mean handled by your department or handled by the defense?

Mr. HURLEY. Why, they are handled by the attorneys for the defense, and also for the latitude, I should say, given to them by the United States commissioner in the hearings.

Mr. BUSIEK. Who hears the Chinese cases? What commissioner here?

Mr. HURLEY. Commissioner Hayes.

Mr. BUSIEK. Do the other commissioners ever get a chance to hear them?

Mr. HURLEY. I think Commissioner Hale has heard some.

Mr. BUSIEK. How many; have you any idea?

Mr. HURLEY. I have no idea.

Mr. BUSIEK. Isn't it a fact that the men under you accuse him of giving too much latitude?

Mr. HURLEY. It is discussed more or less, not in a favorable way toward Hayes.

Mr. BUSIEK. Has your office ever taken up the matter with the district attorney, asking him to assign these cases to some other commissioner?

Mr. HURLEY. You speak of Chinese cases?

Mr. BUSIEK. Yes.

Mr. HURLEY. Not to my knowledge.

Mr. BUSIEK. You know, as a matter of fact, that it is optional with the district attorney, do you not, which commissioner he cares to send these cases to?

Mr. HURLEY. I do.

Mr. BUSIEK. Don't you think it would be a good plan when you think you are being bilked on these cases to ask the United States district attorney to send them to somebody who does not take that particular view of these immigration cases?

Mr. HURLEY. I certainly do.

Mr. BUSIEK. But you have not taken it up with the district attorney?

Mr. HURLEY. I have never had any occasion to do so myself.

Mr. BUSIEK. Don't you think it is sufficient occasion to see men turned loose that ought to be deported?

Mr. HURLEY. Well, I could speak more authoritatively in regard to straight immigration cases than I could on Chinese, because I have been up there so frequently before Hayes on complaints of my own.

Mr. BUSIEK. Has your experience been the same as the Chinese?

Mr. HURLEY. My experience has been exactly the same.

Mr. BUSIEK. Has it ever occurred to any of you gentlemen to make complaint to the district attorney?

Mr. HURLEY. I have personally myself.

Mr. BUSIEK. What answer did you get?

Mr. HURLEY. On immigration cases?

Mr. BUSIEK. What answer did you get?

Mr. HURLEY. I did not receive any encouragement.

Mr. BUSIEK. Have you ever taken it up with Washington?

Mr. HURLEY. I have not, personally.

Mr. BUSIEK. Has it been taken up by your office?

Mr. HURLEY. I can't remember.

Mr. BUSIEK. That looks to me like rather an important matter, Mr. Hurley. You work up your cases, and you think you have got them right, and the United States commissioner turns them loose. Now, I suppose that would discourage any immigration officer; but if it is so vital that you have a man for commissioner who will charge and judge these cases properly, I should think that your department could take it up with some one and attempt to have those conditions remedied, and yet you say you don't know that anything has ever been done?

Mr. HURLEY. I know it has been done in straight immigration cases from time to time on writs of habeas corpus and things of that kind with the judge;

but I feel sure that the department is fully aware of the commissioner's rulings on immigration cases in general, but about the Chinese I can't say.

Mr. BUSIEK. Do you say you supervise Mr. McCabe's work?

Mr. HURLEY. Yes.

Mr. BUSIEK. Do you know whether or not the same conditions then apply in the Chinese cases which he brings before Commissioner Hayes as apply in your work?

Mr. HURLEY. To the best of my recollection, I should say yes.

Mr. BUSIEK. You occupied the same position you do now back in 1911, did you not?

Mr. HURLEY. Yes.

Mr. BUSIEK. And it was in the fall, or in November of 1911, that 20 Chinese were admitted to the Cushing Academy, at Ashburnham, Mass. On December 20 those students left in a body, and I think only 3 of those students ever returned to Cushing Academy. You handled some of the correspondence in that case, I believe?

Mr. HURLEY. I undoubtedly signed some letters.

Mr. BUSIEK. By whom were those letters written?

Mr. HURLEY. By Mr. McCabe or Mr. Sullivan.

Mr. BUSIEK. This was a case of wholesale—

Mr. HURLEY. When you say written, I mean they were drafted by those men and probably written by Mr. Perry.

Mr. BUSIEK. Dictated by the Chinese inspectors?

Mr. HURLEY. Yes.

Mr. BUSIEK. This was a case of more than ordinary interest, wasn't it?

Mr. HURLEY. I should think so.

Mr. BUSIEK. Did you interest yourself more than in the ordinary Chinese case?

Mr. HURLEY. I practically did not have anything to do with it, with the exception of probably signing some mail that was transmitted to Washington.

Mr. BUSIEK. Who handled it?

Mr. HURLEY. McCabe and Sullivan practically handled the whole case.

Mr. BUSIEK. Did you supervise the work to see that McCabe and Sullivan got to the bottom of the thing?

Mr. HURLEY. No. My duties are of such an onerous nature that the straight immigration work takes about all my time.

Mr. BUSIEK. Here was a case of a woman bringing in 20 students, and I think you will concede that it was apparent on its face, after they left, that it was a fraudulent case, and, of course, you knew, as an immigration inspector, that those students could not have come in without assistance; that there was some directing hand. Now, I find acknowledgments over your signature of letters received from the Cushing Academy, which letters had been sent by this Sarah Hing, the woman who brought those Chinese students in. It seems that the Cushing Academy was in touch with this woman for two months after the students deserted. Did you ever instruct Mr. McCabe to go out and find that woman?

Mr. HURLEY. No.

Mr. BUSIEK. Why not?

Mr. HURLEY. Well, those matters—unless Mr. Billings is away from the office for the entire day, I would not take them up, anyway, probably. The whole business would be taken up with Mr. Billings. And, in regard to Chinese work, anyway, in the office, I do not come in close contact with it, with the exception of signing the mail and talking over in a general way with Mr. McCabe or Mr. Sullivan.

Mr. BUSIEK. You took active part in the Boston raid some years ago, did you not?

Mr. HURLEY. I did, sir.

Mr. BUSIEK. You were more familiar with Chinese matters in those days than you are now?

Mr. HURLEY. No.

Mr. BUSIEK. You merely were a participant to help throw out the dragnet?

Mr. HURLEY. That is all.

Mr. BUSIEK. Is that the idea?

Mr. HURLEY. Yes.

Mr. BUSIEK. Who got up that raid?

Mr. HURLEY. To the best of my knowledge, at the meeting that was held—Mr. Schiel, Mr. Birkshire, Mr. Sisson, who were present in the office in India Square, when I was ordered to bring them in.

Mr. BUSIEK. Who made the raid?

Mr. HURLEY. I never was let in on that. I was working in Charlestown that day.

Mr. BUSIEK. What was Mr. Schiel's title at that time?

Mr. HURLEY. Chinese inspector in charge.

Mr. BUSIEK. That was when the Chinese department of immigration was a separate department?

Mr. HURLEY. They had offices in our station at the time of the raid. No; they had an office up in India Street.

Mr. BUSIEK. The Chinese branch of the Immigration Service was entirely separate in those days?

Mr. HURLEY. Yes.

Mr. BUSIEK. How many of those Chinese that you gathered in the dragnet at that time were deported?

Mr. HURLEY. I have heard stated from time to time somewhere between 40 and 50.

Mr. BUSIEK. I believe the record of the facts shows that there were between 50 and 70.

Mr. HURLEY. Well, I do not know.

Mr. BUSIEK. That was out of about 300 Chinese?

Mr. HURLEY. I believe that we apprehended something like 270, to the best of my knowledge.

Mr. BUSIEK. Have you any idea how many of the Chinese in this country or in the Boston district are in the district unlawfully?

Mr. HURLEY. I have not.

Mr. BUSIEK. Out of the two hundred and seventy-odd which you got in the Boston raid there were about 50 contraband Chinese. Do you think that percentage would hold good now?

Mr. HURLEY. Well, I couldn't say, on account of my not having any direct dealings with the work.

Mr. BUSIEK. What system, if any, has your department for checking up any Chinese who are in this country?

Mr. HURLEY. I do not know of any system, unless they rely on the census when it is taken.

Mr. BUSIEK. What I am trying to get at is this: Is there any system whereby your officers could go through Chinatown and know whether or not this fellow has been there for some length of time? If they see a strange face, to find out where he is from?

Mr. HURLEY. I don't know of any such system.

Mr. BUSIEK. The situation is practically this: That when a Chinese is in this country he is practically safe, unless some other Chinese should tell the Immigration Bureau?

Mr. HURLEY. Unless Mr. McCabe or Mr. Sullivan goes out without letting me know about it, or probably taking the matter up with Mr. Billings.

Mr. BUSIEK. If they do that, you would not know about it?

Mr. HURLEY. I think if they did I would know about it; that is, if I were in charge.

Mr. BUSIEK. Then, I am to understand that the efforts of the Department of Immigration or the Bureau of Immigration are directed to the keeping of Chinese out of the country at the ports and at the borders rather than making any investigation of Chinese now in this country and deporting those who have no right here?

Mr. HURLEY. I am not familiar with the procedure, how they check them up or what they do.

Mr. BUSIEK. Do you know of any check that is kept?

Mr. HURLEY. I know of nothing. It has never been brought to my attention.

Mr. BUSIEK. Is there any substantial difficulty that you can see to prevent a Chinaman from slipping across the Canadian border to avoid the patrol?

Mr. HURLEY. Yes, sir; we have inspectors all along the line.

Mr. BUSIEK. How are they spaced?

Mr. HURLEY. I don't know what the distance is, but I know they are supposed to cover every train, every ferry, footbridge. That is what I have always been given to understand by the former commissioner, Mr. Watchhorn. It was almost impossible for a Chinaman to get over, and when they come across in

vehicles of any kind the neighbors along the route, if they are supplied with telephones or are handy to a telegraph office, they immediately wire in or telephone.

Mr. BUSIEK. Of course, the Canadian border is an awful long stretch?

Mr. HURLEY. Yes.

Mr. BUSIEK. And I don't see what difficulty there would be in bringing a Chinaman across in, say, a motor boat and landing him in some dark spot and putting him in the bed of a wagon and probably hauling him 20 miles inland. It would not be so terribly hard to avoid the immigration officials in that way, with an intelligent smuggler?

Mr. HURLEY. It would all depend on the route it would take. If it was a route that was populated with farmhouses, if they would have to travel a very great distance by vehicle or boat—I understand the neighbors up there are always on the watchout, and they have gotten information about suspicious automobiles and other vehicles, and they have been very successful in apprehending some of them.

Mr. BUSIEK. There are hundreds of bays and inlets in Maine and Massachusetts north of here, are there not, where a boat could land?

Mr. HURLEY. North of Massachusetts?

Mr. BUSIEK. North of Boston.

Mr. HURLEY. There are quite a number of streams and quite a number of harbors.

Mr. BUSIEK. Are they all watched for the landing of boats?

Mr. HURLEY. They are supposed to be watched by customs officials.

Mr. BUSIEK. By customs officials?

Mr. HURLEY. I should think so.

Mr. BUSIEK. Do they cooperate with you?

Mr. HURLEY. Always.

Mr. BUSIEK. Then, you don't think that there is much chance for a Chinaman to be smuggled in?

Mr. HURLEY. Oh, I think there is a good chance for a Chinese to be smuggled in across that great territory.

Mr. BUSIEK. And once in and up in a place like Boston, for instance, there is very little likelihood that he will ever be disturbed by the Federal officers?

Mr. HURLEY. Unless somebody writes in an anonymous letter or brings it to our attention in some way or another—a complaint of some kind.

Mr. BUSIEK. In hearing Chinese cases do you require white witnesses?

Mr. HURLEY. They do under the law. I never heard a case myself.

Mr. BUSIEK. Under the law or under the department rules and regulations?

Mr. HURLEY. Department regulations.

Mr. BUSIEK. No case will be decided solely on Chinese testimony?

Mr. HURLEY. Not to my knowledge.

Mr. BUSIEK. Are there any white men in this country, or in Boston here, who make a practice of testifying in Chinese cases that are under the ban of your department now?

Mr. HURLEY. Well, I would not know of them.

Mr. BUSIEK. How about Goodman Phillips?

Mr. HURLEY. Yes; I remember him, because he was instrumental in bringing them in, and we convicted him several times.

Mr. BUSIEK. How about Holske?

Mr. HURLEY. Who?

Mr. BUSIEK. Holske?

Mr. HURLEY. I never heard of him.

Mr. BUSIEK. That is all I have.

Commissioner WEINSTOCK. Will you tell the commission, Mr. Hurley, just what your relations are to the Chinese, and of the work of your department?

Mr. HURLEY. My relations to the Chinese are very limited. I handle about all the immigration work at this station.

Commissioner WEINSTOCK. When you say you handle the immigration work, will you be good enough to explain just what that means? We are laymen and do not understand the technical part of it.

Mr. HURLEY. That means that all the trans-Atlantic liners and all other vessels that bring immigrants here at the ports—I generally have supervision over that work and designate the inspectors to do certain lines of work on the dock on their examinations, and organize the boards of special inquiry, and take general control and supervision of all the work.

Commissioner WEINSTOCK. How often does it happen, Mr. Hurley, that Chinese enter this port who are legally entitled to come, who have their documents and their papers?

Mr. HURLEY. I couldn't answer that question intelligently, because my work in other matters takes about all my time.

Commissioner WEINSTOCK. Is there anybody connected with your department who specialized on the Chinese end of it?

Mr. HURLEY. Mr. McCabe and Mr. Sullivan.

Commissioner WEINSTOCK. Those two specialize?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. They are the two who should give us the fullest information?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Your information is a sort of long-distance information?

Mr. HURLEY. On Chinese?

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Have you given much thought to the problem of how to stop the smuggling of Chinese into this country?

Mr. HURLEY. Yes, sir. I have from time to time thought it over in my own way, and I think that if a complaint comes in relation to smuggling Chinamen on a trans-Atlantic liner, which have come from time to time, that a thorough search ought to be made of that vessel, which we have done.

Commissioner WEINSTOCK. We know, of course, that comparatively few get into the country through legitimate channels. They usually come in through illegitimate channels. For instance, on the Pacific coast, where I live, they get into California either by crossing the Mexican border or by coming around from Mexico by water and landing at some remote nook. They rarely come through the usual lines of traffic.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. They rarely come by trains; they rarely come by steamships; they usually get in in an indirect way.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. And doubtless if they get in here they get in in the same indirect way. Now, you doubtless are also aware of the fact, Mr. Hurley, that Congress has said to this commission, "Gentlemen, we want you to investigate into this smuggling of Chinese; we want you to suggest legislation how to stop it." Supposing this commission were to put that burden on your shoulders, Mr. Hurley, and say to you that we want you to recommend legislation as to how to stop it, what legislation would you recommend, from your knowledge and your experience?

Mr. HURLEY. I think there ought to be more men put on the Canadian border and on the Mexican border. I think the force is inadequate to handle the situation, if there are any great numbers getting in.

Commissioner WEINSTOCK. That might be efficient, but would that be sufficient?

Mr. HURLEY. Well, I think that upon their arrival and examination at the ports of entry, say, Vancouver or San Francisco, those people ought to be followed up in some way.

Commissioner WEINSTOCK. Have you ever been an inspector yourself?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. You graduated from that rank?

Mr. HURLEY. Yes, sir. I entered the service as a clerk.

Commissioner WEINSTOCK. Were you ever detailed to follow up the Chinese in any way while you were an inspector?

Mr. HURLEY. No.

Commissioner WEINSTOCK. You had no experience then in checking up Chinese?

Mr. HURLEY. No, sir. I might explain that, Commissioner, by stating that I suppose that I have been kept about as busy as any man in the Immigration Service, my whole 20 years on straight immigration work. This is the second port of importance in the country, and it keeps me busy all the time.

Commissioner WEINSTOCK. If your superior should say to you, Mr. Hurley, without making any fuss, without creating any consternation, without causing a riot, so to speak, I want you to go into Chinatown and check up every Chinaman there and make sure that he is legally entitled to be here—

Mr. HURLEY. Yes.

Commissioner WEINSTOCK (continuing). How long would it take you to do that, and how would you go about it?

Mr. HURLEY. In Chinatown?

Commissioner WEINSTOCK. That is, the Chinatown in Boston here.

Mr. HURLEY. I first would get in touch with the police, particularly the policemen on the beat, who are more familiar with the faces than the ordinary man would be that would go through there from time to time. They are constantly passing to and fro and having a speaking acquaintance with the Chinamen, and I would probably get some information about new arrivals, where I would be unable to do that without the assistance of the policeman or the letter carrier, or somebody who is constantly passing to and fro, some business man that meant to be right in giving us evidence, whatever it would be worth; and, in that way, I think that possibly that an inspector could get some valuable information.

Commissioner WEINSTOCK. You would spot the new arrivals?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. And follow those up?

Mr. HURLEY. That is what I would do.

Commissioner WEINSTOCK. You would not follow the others?

Mr. HURLEY. In my investigation I would inquire about the other Chinamen; how long they have been here, and what they were doing, and so on, and if I could get some Chinaman's confidence I could rely on I probably would quiz him and find out about the people who had been here.

Commissioner WEINSTOCK. The statement has been made, Mr. Hurley—I don't know whether you are in position to express an opinion on it—that there are a goodly number of Chinamen in the country to-day who are legally entitled to be here, but who could not prove their legal right, due to the fact that their documents, perhaps, were destroyed in the San Francisco fire?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Do you believe that to be the case?

Mr. HURLEY. Well, from discussions with the various officers in the service, I find that there are a great many more here, from their investigations, than are rightly entitled to be here, even though they did lose their documentary evidence in the San Francisco fire, from the records of San Francisco.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. Births and people, Chinamen who are legally entitled to be here.

Commissioner WEINSTOCK. I don't quite catch that.

Mr. HURLEY. From talking to inspectors who are dealing in that work.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. Constantly.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. Men from the Pacific coast and others who have been connected with the Chinese work, they tell me that, from their investigations, there are more Chinamen here than the records of San Francisco would show, either by birth or who had certificates of residence.

Commissioner WEINSTOCK. That would indicate that there is a percentage who are here who are not entitled to be here?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. But are there also others who are entitled to be here, but if they had to prove it they would have no documents?

Mr. HURLEY. I think the raid in Chinatown would explain that, because I myself brought down 80 in the trial court to the Federal building, and not 1 out of 80 had a certificate in their possession at the time we took them, but they later produced them.

Commissioner WEINSTOCK. Those were instances where, despite the fact that they did not have them in their possession, they were still able to produce them?

Mr. HURLEY. By assistance from other people.

Commissioner WEINSTOCK. But are there many cases where their certificates were actually destroyed, and where they could not prove to the satisfaction of a commission?

Mr. HURLEY. I have not had any experience in handling that.

Commissioner WEINSTOCK. You couldn't tell?

Mr. HURLEY. I couldn't tell in that respect.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. The only experience I had in the Chinese raid was the big raid here in Boston.

Commissioner WEINSTOCK. Here is a plan that has been suggested by Pacific coast people as a remedy, and I want to invite your criticism on it, and if you can see a weak spot in the proposed plan we would like you to pounce on it, for our benefit and for the benefit of Congress, to whom we have to make our report.

It is contended, as I have already explained, that there are many Chinamen—how many nobody knows—who are legally entitled to be here, but, by virtue of the fact that their papers were destroyed, are unable to prove it. Now, to check up every Chinaman in the United States to-day under those circumstances would mean, possibly, the unjust deportation of men who are legally entitled to be here but are not in position to prove that to the satisfaction of the authorities. Therefore the idea suggested is that we wipe off the slate, start afresh, take it for granted that every Chinaman who is here is entitled to be here, and that we legalize him by giving him a certificate or passport, but we give him six months in which to do that; at the end of that time checking crews be started out by the Secretary of Labor, men especially trained for that work, who know how to go about it scientifically——

Mr. HURLEY. Yes.

Commissioner WEINSTOCK (continuing). That they then cover the country two or three times a year, follow up every suspicious case, and when a man is unable to prove his legality, send him out. The theory is made that by some such system as that it would take the velvet out of the smuggling game; it would make it unprofitable, because the theory is that a Chinaman, while he may be willing to pay a stiff price to a smuggler and submit himself to the necessary physical hardship, would not be willing to do that plus the danger of being run out at any minute. Now he is willing to take the risk, because he knows if he once gets his feet on American soil he is lost in the shuffle; but if he knew that he would be followed up from place to place and life would be made a burden to him, and sooner or later he would be caught in the net and deported, especially after the thing became known, it would have a very great restraining influence and would make the thing so unprofitable that the people especially engaged in the traffic would no longer find it profitable and would give it up. That is the plan that has been suggested.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. And criticisms are invited. There may be some weak spots in the plan that we as laymen can not see and that you as an expert can see; and if so, we want the benefit of your judgment.

Mr. HURLEY. I should think myself that it is a very good plan. If the thing could be carried out successfully in the way of getting appointments of experienced men through the Secretary of Labor.

Commissioner WEINSTOCK. Yes.

Mr. HURLEY. But you would have to have men who are constantly making investigations of Chinese.

Commissioner WEINSTOCK. They would specialize on that?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Devote their attention to that exclusively?

Mr. HURLEY. Yes, sir; in order to get results.

Commissioner WEINSTOCK. They would be traveling inspectors?

Mr. HURLEY. Yes, sir; traveling all the time.

Commissioner WEINSTOCK. They would be organized into crews, a crew consisting of an interpreter, an inspector, and a stenographer?

Mr. HURLEY. Yes, sir. No man can go out to-day without training and experience and get this information without getting the Government into trouble. I have investigated a number of cases of contract labor, and, in my experience, I have always been successful.

Commissioner O'CONNELL. Do you have anything like a strategy board?

Mr. HURLEY. Nothing but the board of special inquiry.

Commissioner O'CONNELL. You have no board which sits down and tries to outline plans that will outwit the other fellow?

Mr. HURLEY. That would be taken up in the matter of inspectors going out and investigating; he might take the matter up with me and we would outline a plan, sit down with a stenographer, and have our plans formulated before we started.

Commissioner O'CONNELL. In case you had something of that kind come up, some important case, and you outlined your plan and you failed, did not get results, would you then get together as a sort of board of strategy and profit by mistakes or failures?

Mr. HURLEY. Yes, sir. We would talk it over. If I were sent on an investigation of a violation, the same as I did on the Barry case, and I were opposed by all sorts of influence, social, political, and others—I outlined my plan and talked it over with my two colleagues, and notwithstanding this opposition we were successful.

Commissioner O'CONNELL. Do you meet with opposition of various kinds of societies, churches, for instance, who interest themselves in the retaining of Chinamen in this country when they get here?

Mr. HURLEY. I have not had any dealings with any society connected with the Chinese immigration.

Commissioner O'CONNELL. Are there any Chinese societies that interest themselves in them?

Mr. HURLEY. Not to my knowledge. It has never been brought to my attention. I have understood from hearsay that there are Chinese societies who are supplying those people with funds in order to secure counsel, and so on; furnish money for them to fight their cases in court, but I have never had any direct dealings with them myself.

Commissioner WEINSTOCK. Are there many Chinese prostitutes here?

Mr. HURLEY. Not to my knowledge.

Commissioner WEINSTOCK. No Chinese houses of prostitution so far as you know?

Mr. HURLEY. I have been told by policemen that there are some, but I don't know how many.

Commissioner WEINSTOCK. Visited by Chinese or by whites?

Mr. HURLEY. By both.

Commissioner WEINSTOCK. By both?

Mr. HURLEY. Yes, sir. I have talked about them in conversation with some police officers.

Commissioner WEINSTOCK. Have no police officers been subpoenaed. It might be well to get a line on the Chinese prostitution here.

Commissioner LENNON. Get the chief in.

Mr. BUSIEK. Mr. Hurley, there is one more matter I want to go into. Mr. Schell, I believe, was active in what is known as the Boston raid?

Mr. HURLEY. Yes.

Mr. BUSIEK. Mr. Schell was also an inspector here at the time of the *Bonita* and *Frolic*, two ships that were engaged in the smuggling business?

Mr. HURLEY. Yes.

Mr. BUSIEK. Inspector McCabe was sent to Canada to get a line on the plans of the smugglers?

Mr. HURLEY. Yes.

Mr. BUSIEK. And reported to this office?

Mr. HURLEY. Yes.

Mr. BUSIEK. The *Frolic* was captured at Providence?

Mr. HURLEY. Yes.

Mr. BUSIEK. That was captured by police officers, was it not?

Mr. HURLEY. I understand by watchmen in the New York, New Haven & Hartford Railroad.

Mr. BUSIEK. And Mr. Schell happened to be down at Providence that night, did he not?

Mr. HURLEY. I don't know anything about that.

Commissioner WEINSTOCK. Who is Schell?

Mr. BUSIEK. He is a Chinese inspector. Don't you remember that at that time charges were brought against Mr. Schell, that he was absent from his post of duty at the time the *Frolic* came in?

Mr. HURLEY. Why—

Mr. BUSIEK. That he happened to be down at Providence at that time?

Mr. HURLEY. I know it has been talked about, but I don't know it of my own knowledge.

Mr. BUSIEK. Was there a hearing in that case, and didn't you testify? Or didn't you send in a report?

Mr. HURLEY. I handled practically all of the mail that was transmitted to the department at that time, owing to Commissioner Billings's illness. Why, yes; illness. I think he was sick.

Mr. BUSIEK. Is it not a fact that the newspapers at that time published all the plans of the immigration authorities, as to what they were going to do to catch the *Frolic*, which was known to be on the way? Wasn't that made a subject at the hearing?

Mr. HURLEY. I hardly think that is so, because the first knowledge of the smuggling of the Chinese was brought to my attention by a man in charge of the police boat called the *Patrol*, that patrols the harbor, and he told me about a schooner fitting out off the Rose Wharf and they were loading provisions all day, and in his next round, the following morning, he discovered that the schooner had left overnight, and the crew were acting suspiciously; and then later there was a member of the crew arrested—that is, he was not arrested—apprehended by a policeman. He was in an intoxicated condition; and in talking to the man, the officer found out that he was well supplied with money and asked him where he got it, and he said he had just come back after a successful trip smuggling Chinese. So they immediately telephoned over to me and I dispatched Mr. Schell over there to the station to interview this officer and others to find out if there was anything in it. Later, I got an anonymous letter stating that the yacht had gone away on a smuggling expedition of Chinese somewhere in Nova Scotia or Newfoundland. We kept getting clues all the time, and Mr. Schell kept after them all the time. But the newspapers, it was understood with a man by the name of Petersen on the Transcript, who had gone out of his own volition and got a tip somewhere that the *Bonita* was laying off of South Boston Flats, and that she was just after returning from a successful smuggling trip. He immediately went out there in a rowboat and discovered the odors of opium, and other trinkets which Chinamen carry. He came down and reported the facts to me. He afterwards wanted to get that as a newspaper scoop, and this *Frolic* expedition came right along after that; so all the newspaper men got in touch with it somehow, and it was understood that nothing would be given to the newspapers from our office particularly until such time as we would apprehend the *Frolic*. But the matter was taken up with Mr. Murray, who was then acting secretary of our department, as I understand it, and some newspaper men down there got wind of this affair, and the whole thing was exposed in the newspapers before we apprehended the Chinamen on the *Frolic*.

Mr. BUSIEK. What I was driving at before was this: The charge was made that Mr. Schell gave the newspapers information; the charge was made that Mr. Schell was absent from his post of duty at the time the *Frolic* came, and was down at Providence with a woman—

Mr. HURLEY. Well—

Mr. BUSIEK. Just let me finish my question. The charge was furthermore made that he falsified his expense account at that same time in going down there, and, if my memory serves me right, he was found guilty on every charge. What happened to Schell after that?

Mr. HURLEY. He was transferred to New York.

Mr. BUSIEK. He was transferred to New York?

Mr. HURLEY. Yes, sir. But I can say this, that in relation to giving the matter out to the newspapers, that a man by the name of Smith, who was representing the Boston Herald, called at the office that morning, and Schell was so incensed about the story getting out in the newspaper that I think, if it had not been for me, he would have assaulted him.

Chairman WALSH. Is Schell still in the service?

Mr. HURLEY. Schell is in charge of the law division at Ellis Island.

Commissioner WEINSTOCK. If he was found guilty of every charge, how does it happen that he remained in the service?

Mr. HURLEY. I think he—he showed me a letter—I would not be positive—while Mr. Straus, who was then Secretary of the Department of Commerce and Labor, transferred him over to New York, and I can't remember the contents of the letter.

Commissioner WEINSTOCK. Isn't that a very unusual thing, to take a man who has been found guilty of gross neglect of duty and fraud and retain him in the service?

Mr. HURLEY. I can not say that he has been found guilty, Mr. Commissioner. It is only hearsay from Mr. Busiek.

Commissioner WEINSTOCK. From Mr. Busiek?

Mr. HURLEY. Yes, sir.

Commissioner WEINSTOCK. Where does the information come from that the party was found guilty of those charges?

Mr. BUSIEK. I saw it in the records in Washington.

Commissioner WEINSTOCK. Absolutely found guilty?

Mr. BUSIEK. Yes.

Commissioner O'CONNELL. It is in the files. We have the files.

Commissioner WEINSTOCK. That is a very strange situation.

Mr. BUSIEK. I think I have the record.

Mr. HURLEY. What I know about that, Mr. Commissioner, is all hearsay. I know nothing of my own personal knowledge. I know he was transferred, and I know he showed me a letter from Mr. Straus, then Secretary of the Department of Commerce and Labor.

Commissioner WEINSTOCK. That occurred in what year, Mr. Hurley?

Mr. HURLEY. Let me see.

Commissioner WEINSTOCK. Mr. Straus was there for how many years?

Mr. HURLEY. Straus was there four years.

Commissioner WEINSTOCK. Four years?

Mr. HURLEY. Yes, sir. He was there under——

Commissioner WEINSTOCK. Mr. Roosevelt?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. Mr. Roosevelt was there seven years.

Mr. HURLEY. Well, he was there—I think he was there in Roosevelt's last term.

Commissioner WEINSTOCK. Last term?

Mr. HURLEY. I think so. Mr. Busiek, can you enlighten me on the date?

Commissioner WEINSTOCK. When was this man transferred?

Mr. BUSIEK. In 1908.

Mr. HURLEY. Yes.

Mr. BUSIEK. February, 1908?

Mr. HURLEY. Yes.

Mr. BUSIEK. No. He was transferred to New York in 1907.

Commissioner WEINSTOCK. Does the record show that he was found guilty of all those things at the time?

Mr. BUSIEK. Yes.

Commissioner WEINSTOCK. I wonder if it would not be a good thing to get Mr. Straus before the commission and find out if he was not transferred——

Chairman WALSH. You will find there was somebody in the department that says this and that and hands it up to be signed.

Who was the head of the department at that time under Mr. Straus?

Mr. HURLEY. Do you mean of our department?

Chairman WALSH. Yes; of your department.

Mr. HURLEY. Sargent, I believe.

Chairman WALSH. And Mr. Larned was his first assistant?

Mr. HURLEY. Yes, sir; Mr. Frank H. Larned.

Commissioner WEINSTOCK. Sargent was Commissioner General?

Mr. HURLEY. Yes.

Mr. BUSIEK. That is all I have

Chairman WALSH. Are there any questions?

Commissioner DELANO. I want to ask one or two questions.

Mr. Hurley, you are under the civil service, are you not?

Mr. HURLEY. Yes.

Commissioner DELANO. Mr. Weinstock told you what the duties of this commission are in regard to the importation of Chinese. For some reason or other the law does not mention Chinese; it mentions the smuggling of Asiatic labor. As I understand it there is no exclusion of any Asiatic excepting the Chinese, is there?

Mr. HURLEY. Oh, yes.

Commissioner DELANO. Is there?

Mr. HURLEY. Yes. It excludes Armenians, Turks, Kurds.

Mr. BUSIEK. Only on medical examination?

Mr. HURLEY. No, sir; all causes under section 2.

Commissioner DELANO. That is what I wanted to get at.

Mr. BUSIEK. By that you mean on a cause which would exclude any other alien?

Mr. HURLEY. Yes.

Chairman WALSH. You do not exclude them because they are Asiatics?

Mr. HURLEY. No.

Commissioner DELANO. There is no race of people who are excluded from this country because of their race or color except the Chinese, are there?

Mr. HURLEY. Why, the Japanese and laborers can not come under a proclamation of the President.

Commissioner DELANO. Japanese laborers?

Mr. HURLEY. Yes.

Commissioner DELANO. That is very recent?

Mr. HURLEY. Why, it is a proclamation issued, I guess, by the President in Roosevelt's time. Whenever we find that they are coming to the detriment of labor conditions in this country.

Commissioner WEINSTOCK. If a Turk or a Kurd, as you call them, should pass all other examinations, should pass the mental, moral, and physical examinations——

Mr. HURLEY. Yes.

Commissioner DELANO. Could you still keep him out simply because he is a Turk?

Mr. HURLEY. Not on the race alone.

Commissioner DELANO. Syrian or Armenian?

Mr. HURLEY. No, sir.

Commissioner WEINSTOCK. But with a Chinaman, regardless of the fact that he passes the mental, moral, and physical examination, he may not be admitted?

Mr. HURLEY. Yes.

Commissioner DELANO. Mr. Hurley, of course in your duties you get thousands, I suppose, of those western Asia nations where you would get one Chinaman, don't you?

Mr. HURLEY. Yes. We find quite a number of Armenians coming, quite a number of Syrians, quite a number of Turks and Kurds at the present time.

Commissioner DELANO. You get three or four hundred on a shipload?

Mr. HURLEY. I recently had a ship at Providence with 300, and 50 per cent were Asiatics.

Commissioner WEINSTOCK. If I should come to this port as an Asiatic laborer, mentally, morally, and physically I pass the examination, but I am a laborer, how could you keep me out?

Mr. HURLEY. It would depend on the judgment of the inspector, because there is an agreement between the United States Government and the Empire of Japan.

Commissioner WEINSTOCK. That is purely an agreement; it is a gentleman's agreement?

Mr. HURLEY. Of course the inspectors are to be governed by that.

Commissioner WEINSTOCK. I am a Japanese laborer, but I stand all the tests, on what ground would you deport me?

Mr. HURLEY. In the first place, you would have to be supplied with a passport, which would state that you are entitled to come from Japan, and Japan says they do not issue passports to come to the United States to the detriment of labor conditions here.

Commissioner WEINSTOCK. Suppose as a Japanese laborer I had gone to England and came from England over here. As a Japanese laborer I do not need a passport to go to England.

Mr. HURLEY. They issue them. I had two men here recently with passports coming from England supposed to have been students in England, but instead of being Japs they were Chinamen.

Commissioner WEINSTOCK. But if they go to study in England they are students?

Mr. HURLEY. Yes, sir; they were students.

Commissioner WEINSTOCK. There is no other country outside of the United States that forbids the coming of Japanese laborers so far as I know.

I am a laborer in Japan.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. I go from Japan to England. I stop in England for some little time, and then I come from England to America.

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. I have no passport. How can you stop me from getting in?

Mr. HURLEY. If you left without a passport, it would be supposed you had a passport that was limited to some other country besides the United States, and you would be rejected on that ground.

Commissioner LENNON. There was a proclamation issued by President Roosevelt, I think, to that effect.

Mr. HURLEY. This is the President's proclamation issued March 4, 1913. It reads as follows——

Commissioner WEINSTOCK. Issued by whom?

Mr. HURLEY. By President Roosevelt.

Commissioner WEINSTOCK. If it were February, 1913, it must have been Taft, because Wilson did not come in until March.

Mr. HURLEY. I think you will find this in the older editions by the—I will read from page 27:

"Whereas by the act entitled 'An act to regulate the immigration of aliens into the United States,' approved February 20, 1907, whenever the President is satisfied that passports issued by any foreign Government to its citizens to go to any country other than the United States, or to any insular possession of the United States, or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States, to the detriment of labor conditions therein, it is made the duty of the President to refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such country or from such insular possession or from the Canal Zone; and

"Whereas upon sufficient evidence produced before me by the Department of Commerce and Labor I am satisfied that passports issued by certain foreign Governments to their citizens or subjects who are laborers, skilled or unskilled, to proceed to countries or places other than the continental territory of the United States are being used for the purpose of enabling the holders thereof to come to the continental territory of the United States, to the detriment of labor conditions therein;

"I hereby order that such alien laborers, skilled or unskilled, be refused permission to enter the continental territory of the United States.

"It is further ordered that the Secretary of Commerce and Labor be, and he hereby is, directed to take, through the Bureau of Immigration and Naturalization, such measures and to make and enforce such rules and regulations as may be necessary to carry this order into effect."

Commissioner DELANO. That was issued by the Secretary of Commerce and Labor?

Mr. HURLEY. This is the law and regulations. This is by the Department of Labor.

In speaking about going to England, I recently had a case where a Japanese tried to bring two students in. He was armed with Japanese passports. They were supposed to take up studies in England, and upon their arrival here we apprehended them, and it took me a long time to break them down, but they were, as a matter of fact, Chinamen.

Commissioner DELANO. Doesn't it require an expert to tell the difference between a Chinaman and a Jap?

Mr. HURLEY. I think so.

Commissioner WEINSTOCK. You could test him quickly by his language with an interpreter?

Mr. HURLEY. This man was trying to get them in as Japs. They had learned enough to get by, but they could not converse freely in the Japanese language.

Commissioner DELANO. But from their appearance it was difficult to detect them?

Mr. HURLEY. Yes, sir. I would not want to call myself an expert in distinguishing between them.

Commissioner DELANO. Is it not a fact that there is more difference between the Chinese of different districts in China than there is between some of the Chinese and the Japanese?

Mr. HURLEY. In the Chinese?

Commissioner DELANO. There is more difference between a north Chinaman and a south Chinaman than there is between some of the Chinese race and the Japs?

Mr. HURLEY. Well, I have seen some Chinamen come from Korea that I couldn't distinguish whether they were Japs or not.

Mr. BUSIEK. Do you call Koreans Chinese?

Mr. HURLEY. They are included, I believe, as the Chinese race.

Commissioner WEINSTOCK. They are?

Mr. HURLEY. Yes.

Commissioner WEINSTOCK. A Korean would not be permitted to land then?

Mr. HURLEY. Chinese race.

Commissioner WEINSTOCK. Mongolians?

Mr. HURLEY. Yes.

Chairman WALSH. I think that is all, Mr. Hurley; thank you.

TESTIMONY OF MR. JOHN A. McCABE.

Mr. BUSIEK. Your name in full, please?

Mr. McCABE. John A. McCabe.

Mr. BUSIEK. And your position?

Mr. McCABE. I have charge of the enforcement of the Chinese-exclusion law in the New England district, under the commissioner of immigration, Boston, Mass.

Mr. BUSIEK. How long have you been in that work?

Mr. McCABE. Since February, 1903.

Mr. BUSIEK. Who assists you here in that work?

Mr. McCABE. John G. Sullivan.

Mr. BUSIEK. Anyone else?

Mr. McCABE. And I have a stenographer, Walter M. Perry; an interpreter, Schere F. Moy.

Mr. BUSIEK. How long has Moy been in the service?

Mr. McCABE. Well, he has been in the service, I think, since 1903. First stationed at Buffalo, Philadelphia, Boston.

Mr. BUSIEK. Now, just explain the duties of your office, Mr. McCabe, in brief.

Mr. McCABE. Well, what I would term the routine duties are the examination of Chinese applying for admission into the United States, and all those applying for return certificates. In other words, a certificate that will enable them to leave the United States and return to it either within a year or indefinitely. Also looking up those who are alleged to be here unlawfully, and also rumors of smuggling.

Mr. BUSIEK. How many cases will you have in a year of Chinese applying for admission in Boston?

Mr. McCABE. Practically none at the port of Boston, but those who apply for admission at San Francisco, Seattle, and Vancouver, their witnesses, many of them, are in New England, and that work devolves upon us. In other words, some Chinaman living in Boston, or some other part of New England, is attempting to bring a son or his wife, and the applicant arrives at San Francisco, Seattle, or Vancouver and there is examined, and if his witnesses are located in any part of the New England district the record is sent to Boston for investigation.

Mr. BUSIEK. The record from the Pacific coast, containing the applicant's picture and so on?

Mr. McCABE. Yes, sir; and a statement.

Mr. BUSIEK. And then you have to go out and verify it?

Mr. McCABE. We examine whatever witnesses are necessary to establish the facts alleged.

Mr. BUSIEK. How many cases of that nature have you in a year's time?

Mr. McCABE. Oh, I have the annual report here. Probably 100.

Mr. BUSIEK. That disposes of the work that you do for other offices, then; does it not?

Mr. McCABE. Oh, no; our work, well, I should say that one-half of our work is in connection with other offices.

Mr. BUSIEK. One-half of your work?

Mr. McCABE. Yes.

Mr. BUSIEK. What does the work that originates here and properly belongs to this office consist of?

Mr. McCABE. Of Chinese applying for return certificates.

Mr. BUSIEK. How many of these do you have in a year?

Mr. McCABE. Anywhere from 300 to 350.

Mr. BUSIEK. About one a day?

Mr. McCABE. Well, I would not—well, yes; practically. It would not be one a day. For instance, I would sit on say two or three a day. If they were straight returning labor cases we could examine five or six of them; but if it was a man proving nativity de novo it takes pretty near the time of one inspector from 1 o'clock in the morning until 3 in the afternoon.

Mr. BUSIEK. How many cases do you have of Chinese whom you claim are unlawfully in this country, and whom you seek to deport?

Mr. McCABE. Well, I would not say that all the investigations that we have of suspected unlawful residents I would seek to deport. It depends upon the evidence.

Mr. BUSIEK. How many cases, we will put it that way?

Mr. McCABE. Oh, perhaps 20 or 25 in a year.

Mr. BUSIEK. How many investigations would you say there are?

Mr. McCABE. Well, I might say 50 or 60.

Mr. BUSIEK. Where does your information come from concerning contraband Chinese?

Mr. McCABE. Anonymous letters and different rumors we hear; and also when we are out on any investigation we are always asked, wherever they are—we always ask them for their papers, and if they haven't any we examine them and see whether or not the story they tell is consistent with their claims.

Mr. BUSIEK. What kind of a check have you on the Chinese population of your district? Do you know approximately how many Chinese there are here?

Mr. McCABE. I made a census in 1905 of the Chinese in New England, in the New England district, going personally to all the larger places, and in the small country towns having them reported by the police. In all large cities and in the larger towns we went and inspected. For instance, we wrote to the chief of police in all the large towns and cities in New England, and then to the postmaster of the small towns. The postmaster returned the names of the small towns and the chief of police in the larger cities and towns returned the names and numbers where Chinese were residing, and those we visited and attempted to interview the people we found working therein. We completed that census in 1905 with the exception of part of Hartford, Bridgeport, Conn., and one or two other small towns in Connecticut, and what we might term half of the city of Boston, which would include, for instance, Chinatown, and then there were two or three small towns. We had completed it when we were told to discontinue it.

Mr. BUSIEK. What did you find?

Mr. McCABE. Well, our returns showed approximately about 3,050 Chinese in New England, and we estimated that for the district we had not taken, that there were probably about 1,100 or 1,200 more, making about——

Mr. BUSIEK. How many are there in Boston?

Chairman WALSH. Making a total of what?

Mr. McCABE. Probably a total of about 4,500.

Commissioner DELANO. In New England?

Commissioner LENNON. In Boston or New England?

Mr. McCABE. In New England.

Commissioner WEINSTOCK. In 1905?

Mr. McCABE. Between 4,500 and 5,000, I should say.

Commissioner WEINSTOCK. What year?

Mr. McCABE. 1905.

Mr. BUSIEK. How many Chinese did you estimate to be in Boston at that time?

Mr. McCABE. Well, I should say that 3,000 of those were in the State of Massachusetts, and the greater majority of that 3,000 were in greater Boston.

Mr. BUSIEK. What is included in Greater Boston?

Mr. McCABE. That would be Cambridge, Somerville, Medford, Malden, Chelsea.

Mr. BUSIEK. Charlestown?

Mr. McCABE. Charlestown is part of Boston.

Mr. BUSIEK. You say there were about 3,000?

Mr. McCABE. Yes.

Mr. BUSIEK. Has the number of Chinese in Boston since 1905 been fairly constant, or had it increased?

Mr. McCABE. Well, I should say that it has increased, but other people say no. For instance, men that claim to do business with them say that it had in general decreased. I know that every place I go in the country towns, where 15 or 16 years ago there was only one laundry, now there are two, and in a place like—oh, I should say for that 3,000 it might include the metropolitan district, and that would bring it out as far as Salem and Lynn for the 3,000. We will say, for instance, in Lynn they have several new Chinese restaurants, and, of course, it takes more men to run those than it does an ordinary laundry; so that while others claim that the Chinese population has decreased, I think it is just as much, if not more than it was in 1905.

Mr. BUSIEK. Where do those Chinese come from to take the places of those who leave and die?

Mr. McCABE. Well, when you go back five or six years ago, the only person who could bring any of his relatives to the United States was what we called the so-called exempt classes, and they were entitled to bring their minor children; but within the past five or six years it has been decided that a man

who claims to be a citizen of the United States can bring his son, so that is a new class added.

Mr. BUSIEK. And the minor children and wives of merchants and natives?

Mr. McCABE. Of the exempt class can come.

Mr. BUSIEK. Of the exempt class, and that is what is swelling this Chinese population?

Mr. McCABE. Well, also the natives, the sons of natives.

Mr. BUSIEK. The sons of natives?

Mr. McCABE. Yes.

Mr. BUSIEK. Is there any Chinese smuggling; that is, extensive smuggling, that will account for it?

Mr. McCABE. Well, I don't know. I think that some of the officers at the bureau are more competent to estimate the number of smuggled. I think as far as my own district is concerned, I don't think there is any great amount of smuggling. It is occasional. I should imagine on the Lakes that there is considerable, and, of course, this district gets the benefit of it. In other words, they come in here.

Mr. BUSIEK. The commission realizes that all the Chinese in this district were not smuggled into this district, perhaps, on the coast; that they may have come from other parts of the United States. But what is your estimate as to the percentage of contraband Chinese among the Chinese here in your district? It has been put as high as 33 per cent and as low as in the teens?

Mr. McCABE. Well, going on this census for New England—for instance, that is not taking in the districts that we did not take; we had returns for approximately 3,000 Chinese, and our recapitulations show the total number reported who were unable to present evidence of their right to remain in the United States was approximately 1,000.

Mr. BUSIEK. One thousand were unable to show evidence of their right to be in the United States?

Mr. McCABE. Yes, sir; this census was taken in 1905, and in the recapitulation some claimed to have been merchants at the time of registration, approximately 170. Of course, this is given 166-176 here, but I am using round numbers. Claimed to have secured certificates of registration, but could not produce them, 166, or 160 in round numbers; no knowledge of character of papers held, reported by postmasters, 536; refused to state why they were not in possession of proper papers or neglected to register, 145. For instance, 536 of them reported by the postmasters, it might be possible that at least half of them had their papers indicating their right to be and remain in the United States.

Mr. BUSIEK. At that your estimate would be that about half of them in any event could not show their right to be in the United States, half of those 3,000?

Mr. McCABE. No, sir; I would not say that.

Commissioner LENNON. What would explain those that are not accounted for under those various headings that you think might have the right to stay here? You have accounted for about half?

Mr. McCABE. I don't say that that total number reported who were unable to present evidence of a right to be and remain in the United States in round numbers of 1,000; I would not say that it might be possible that 33 per cent of those if talked to on an extended examination might fail to tell a consistent story as to their right to be and remain in the United States.

Mr. BUSIEK. The total number who showed papers was 1,000?

Mr. McCABE. Yes, sir; the total number reported who were unable to present evidence of their right to remain in the United States was 1,023. Out of that number there were 536 that were reported by the postmasters that he had no knowledge as to whether or not they claimed to have any papers.

Mr. BUSIEK. I see.

Commissioner DELANO. That is the way I understood it.

Commissioner LENNON. I didn't catch it that way. That would leave about 500, then.

Mr. McCABE. Yes, sir; that would leave about 500.

Mr. BUSIEK. How many instances of fraudulent papers do you run into?

Mr. McCABE. Well, there is really no direct evidence that they are fraudulent papers. It is only by inference. For instance, it was the custom in 1895 and 1896 to secure the entry of Chinese that were not entitled to come in on original entry, to prepare papers in the United States setting forth that they were returning merchants and in that way they would get in; but that has all been done away with, and it is pretty hard, for instance, when you come

across a man and he has got what you call a merchant's paper, an affidavit setting forth in substance that some time in 1896 he was then in the United States and was about to depart for China and he might not have been a merchant, but a laborer in the United States and wanted to go and visit China, or he might have had the paper prepared in the United States by somebody and forwarded to him to China and then come in on it.

Commissioner DELANO. Is a laundryman a merchant?

Mr. McCABE. No, sir; every Chinese person is a laborer, except a man who conducts a merchant's business at a fixed place of business, and that business has no connection whatsoever with a laundry or restaurant or anything of that kind.

Commissioner WEINSTOCK. You mean the proprietor of a laundry is regarded as a laborer?

Mr. McCABE. Yes.

Commissioner WEINSTOCK. And the proprietor of a restaurant is regarded as a laborer?

Mr. McCABE. Yes, sir.

Commissioner WEINSTOCK. He must buy and sell things to be a merchant?

Mr. McCABE. Yes.

Mr. BUSIEK. Are not there in the hands of the Chinese certificates known as the McGettrich certificates that are regarded as fraudulent?

Mr. McCABE. Yes.

Mr. BUSIEK. Have you any of those certificates in your possession; any fraudulent certificates that have been taken up by you?

Mr. McCABE. Well, I have some in the file. At least they indicate that they were issued by fraud. It is hard to tell. I haven't ever seen one that I didn't think was in the handwriting, the signature on it was not in the handwriting of McGettrich, but we consider it from the fact that it would have a fraudulent seal over the photograph and perhaps a bona fide seal, we would consider a bona fide seal appearing on some other part of the paper.

Mr. BUSIEK. Have you got one of those with you?

Mr. McCABE. No, sir; I have not.

Mr. BUSIEK. Will you bring one this afternoon when you return?

Mr. McCABE. I will if—generally the original record in the place is at the port of entry, and when the Chinese were coming into Boston here a few years ago all those original records were transferred to Vancouver, and while I am quite certain that I may have one in the office, it is still possible that I haven't.

Mr. BUSIEK. Are there any other kinds of forgeries that the Chinese indulge in besides forging those commissioner's certificates?

Mr. McCABE. That is about all.

Mr. BUSIEK. How extensive is that?

Mr. McCABE. Well, outside of telling the original defendant in the McGettrich case, I don't believe it is very extensive.

Mr. BUSIEK. Isn't it a fact that in most Chinatowns there is some Chinese that get together a bunch of certificates and sell them to other Chinese—that is, the certificates, for instance, of a dead Chinaman? Isn't there quite a sale in Chinese certificates?

Mr. McCABE. I don't believe so. It might have happened in times, say 10 or 15 years ago, that they sold those certificates, but they are not at the present time of any great value.

Mr. BUSIEK. Why not?

Mr. McCABE. Because they are more experienced in telling a story prepared to meet the occasion than they were in past times.

Mr. BUSIEK. Do they get by now just on a story without a certificate?

Mr. McCABE. Oh, yes; I have seen Chinamen that claimed to have been discharged by a commissioner that I believed the story he told me; it had a true ring to it, and I have seen others who had a paper with no photograph attached to it. The manner in which they told their story was prepared to meet an occasion.

Mr. BUSIEK. You say you try about 20 cases a year—that is, that you bring before the United States commissioners. How many of those do you win on an average?

Mr. McCABE. I will say that that—and I think it is clean throughout the United States—that there would be more Chinese tried for being unlawfully in the United States if we thought we had any chance of winning the cases, but it is only to arrest them and bring them before the courts to make citizens of them.

Mr. BUSIEK. What do you mean to make citizens of them?

Mr. McCABE. There is plenty courts that will discharge a Chinese person for being unlawfully in the United States on the testimony of one man who alleges to be his uncle.

Mr. BUSIEK. When that court turns him loose on such a hearing his right is forever established?

Mr. McCABE. Not only his right, but the right of his wife to enter the United States and all the children that she may have. And if they are admitted, having satisfied the Government of the relationship claimed, why, upon their admission, they are citizens, and so posterity is entitled to the citizenship of the United States.

Mr. BUSIEK. Who tries most of your Chinese cases here; what commissioner?

Mr. McCABE. Commissioner Hayes.

Mr. BUSIEK. How many does he get?

Mr. McCABE. He doesn't get many.

Mr. BUSIEK. Why not?

Mr. McCABE. Because all cases have got to be taken before him, and to bring them before him, as I say, our experience has taught us that they will only be discharged or made citizens, and better let them stay here with no proof of their right to be and remain in the United States than arrest them and have them discharged.

Mr. BUSIEK. Commissioner Hayes does not act for any district except for the Boston district?

Mr. McCABE. That is all. Yes; the metropolitan district.

Mr. BUSIEK. There are other commissioners at the other places in your district, aren't there?

Mr. McCABE. Yes.

Mr. BUSIEK. You could bring cases at some other place than Boston, couldn't you?

Mr. McCABE. Well, if we arrest a man in Worcester, there is a commissioner there, but it has always been the custom to arrest them in Worcester and bring them to Boston because it saves expense.

Mr. BUSIEK. But it gets your men turned loose?

Mr. McCABE. Well, I don't know anything about the commissioner in Worcester, whether or not he would be any better than Commissioner Hayes.

Mr. BUSIEK. Is Worcester the only other place where they would have any commissioner?

Mr. McCABE. They have one in Springfield and one in Pittsfield.

Mr. BUSIEK. Have you ever tried any case there?

Mr. McCABE. No.

Mr. BUSIEK. Bring them all to Boston?

Mr. McCABE. No, sir. Never arrested any in that—we have never arrested any in Pittsfield.

Mr. BUSIEK. Have you ever made complaint to the United States district attorney about this man Hayes turning loose all those people?

Mr. McCABE. I don't know as I ever made any direct complaint, but I believe that their office was—he was conversant with it; at least his assistants were.

Mr. BUSIEK. Have you ever taken it up with the bureau in Washington and made complaint?

Mr. McCABE. Indirectly.

Mr. BUSIEK. What do you mean?

Mr. McCABE. A man must—wants to be rather careful about complaining about these things. He don't know whose shoe he is going to pinch, and who might get after his job; but there has been some action taken in reference to having some other commissioner designated to hear these cases, which is lawful under the so-called Ray Act, and I believe our bureau or our department requested the Department of Justice to have somebody else designated other than Commissioner Hayes to hear these cases, and the district attorney of the State of Massachusetts has the power to designate the commissioner who shall hear them, and he in his answer to the Department of Justice believed in going on as we were at present with Commissioner Hayes, with the expectation that he might possibly do better.

Mr. BUSIEK. Has he done better?

Mr. McCABE. Well, he has heard only two cases since that question has come up, but from what I can observe of him I think he will follow along the same lines.

Chairman WALSH. That he will what?

Mr. McCABE. Follow along the same lines.

Mr. BUSIEK. What did he do in your two cases?

Mr. McCABE. His manner to me indicates that he will discharge them, and can really justify the discharge by lots of previous decisions. For instance, the law says that if the commissioner is satisfied that a man has a right to be in the United States. That is all he has got to be satisfied of. Of course there are some commissioners who require more proof than others for their satisfaction in discharging a man.

Mr. BUSIEK. It takes very little to satisfy Hayes; is that the idea?

Mr. McCABE. Well, if I were to say I think Mr. Hayes is pro-Chinese and there may be other commissioners who may be anti-Chinese, but still they would give the Chinaman and Government a fair hearing, or square deal, in the terms of the day.

Mr. BUSIEK. Is this Chinese business monopolized by any special lawyers?

Mr. McCABE. Well, I think I would not say it was monopolized, but there are certain lawyers who have more cases than others.

Mr. BUSIEK. Are matters ever taken over your head and disposed of at Washington without notice to you as to what is going to happen and what is being done?

Mr. McCABE. That is within their right. There is a case of a Chinaman makes application for admission, and, for instance, we will assume he applies for admission at Boston, and he is examined, and the inspector makes his report to the Commissioner of Immigration, and the Commissioner of Immigration decides whether or not he will be admitted; and if he denies him the Chinese person has a right to appeal to the Secretary, and it is the right of the Secretary to remand—

Mr. BUSIEK. Are there any matters that are disposed of there before appeal?

Mr. McCABE. Oh, yes.

Mr. BUSIEK. I mean do you ever get orders from Washington to take a certain attitude in a case?

Mr. McCABE. Oh, never.

Mr. BUSIEK. You were the inspector in charge of Chinese matters when those 20 students entered Cushing Academy?

Mr. McCABE. Yes.

Mr. BUSIEK. If you will, get your files out for the purpose of consulting them.

Mr. McCABE. Of course I believe we would never know anything about those section 6 students, excepting I happened to be born in the town of Windham, which is next to the town of Ashburnham, and I went to a school which was in competition with the Cushing Academy, and those records for our files and notification that those 20 had been destined to Cushing Academy came in, and I immediately saw they were unable to talk any English; and if the Cushing Academy knew in the first place that they didn't understand English, or have something similar to a grammar-school education, that they would not be bothered with taking them; so I suspected something might be wrong, so I wrote the principal, Mr. Cowell, and he said that they had arrived then—they had arrived some time in November—and the Christmas vacation came and only three of them returned.

Mr. BUSIEK. You wrote him a letter before that, didn't you? Didn't you write him a letter about December 5 or 6 in which you asked him for information?

Mr. McCABE. I received—the first notification was December 1 and 4, at the office, that those 20 students had been admitted at Vancouver destined to Cushing Academy, and I wrote him on the 6th.

Chairman WALSH. Is that the notification from Vancouver?

Mr. McCABE. Yes. [Reading:]

"There is inclosed for completion of your files a copy of a statement made upon his arrival at this port by Yee Hoi Sheung, serial 239, ex S. S. *Monteagle*, November 5, 1911, admitted the 11th instant, as a section 6 student destined to Cushing Academy, Ashburnham, Mass."

Mr. BUSIEK. That refers to but one student.

Mr. McCABE. There were 20 of them, an individual letter in each case.

Chairman WALSH. That was dated where?

Mr. McCABE. November 28, 1911, received at our office December 4.

Chairman WALSH. What did that make it your duty to do, if anything?

Mr. McCABE. If I did not think they were bona fide, and if there was any way that I could cause any investigation looking to an enforcement of the Chinese exclusion law to do it.

Chairman WALSH. In other words, you were supposed to go and see if they arrived at the Cushing Academy, and all about it?

Mr. McCABE. No.

Chairman WALSH. What were you supposed to do? Or why did they write your department a letter?

Mr. McCABE. Well, if anyone, any person admitted destined to our district they send us notification of it, and also a copy of his statement made.

Chairman WALSH. Now, is it your duty to do anything in connection with that; your office; was it when you received that letter?

Mr. McCABE. Under the present rules and regulations it is the duty of the port of entry to notify the district where the Chinese person, if he is going to be a student, is destined.

Chairman WALSH. Was that the rule at the time those 20 came in?

Mr. McCABE. No.

Chairman WALSH. What was it your duty to do, if anything, upon receipt of those 20 letters at that time?

Mr. McCABE. I don't think I would have been derelict in my duty at all if I had not. They were going to an institution of learning, and it was only because I happened to know the Cushing Academy.

Chairman WALSH. Well, you say that that letter imposed no duty upon your office whatsoever in respect to those 20 men?

Mr. McCABE. No, sir; not at that time; but now, under the rules and regulations, it does.

Commissioner DELANO. That was a foreign country that was admitting them?

Mr. McCABE. No, sir. Our office is at Vancouver. We have an office there.

Commissioner DELANO. They accepted their statement and then they passed it on to you, I would assume, in order to give you an opportunity of verifying. As a matter of fact, you did verify, but you say it was not your duty to do it, but you did do it?

Mr. McCABE. I did it because I suspected that they were not students in good faith. But at that particular time, for instance, there were 20 of them, and I saw from their examination that they did not understand English; but we will assume that there had been two or three of them and I had received notification in the same manner and I saw that they could talk English or had been in an English school in Hongkong, that would indicate to me that they were in good faith and I might not at that particular time have written, because there are students coming that are real students.

Commissioner DELANO. Has Cushing Academy a good reputation or not?

Mr. McCABE. Oh, yes; I think so. I don't believe that this principal of Cushing Academy, if he knew that these boys had no English education, that he would have given the woman to understand that he would take them. This woman that was handling those sent him some money on account and had the receipt and everything, and gave the earmarks to the inspectors when they arrived that it was in good faith.

Mr. BUSIEK. How did you know when you wrote to Prof. Colwell that those boys were being brought over by Mrs. Sarah Hing?

Mr. McCABE. I saw it from the indorsement on the paper. For instance, where the inspector landed them. His decision in landing them he spoke about Mrs. Hing.

Mr. BUSIEK. What inspector landed them in Vancouver?

Mr. McCABE. Charles W. Pierce.

Mr. BUSIEK. Charles W. Pierce.

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Who was the interpreter?

Mr. McCABE. It might be—might not have been the same interpreter; Chin Hing was the interpreter in this first that I mentioned. He may not have been in all cases. Pierce had some rumor that this woman, some way, that this woman was engaged in smuggling Chinese, and wired to Seattle and several different places of that kind to furnish him with any information and, of course, the Chinese had the proper papers, and in view of the fact that they were destined to a regular institution of learning, and she had receipts and everything, he admitted them.

Mr. BUSIEK. You also had your suspicions, I gather from the words of your letter. You say lady in charge, Mr. Sarah Hing, a white woman and an alleged

former school-teacher in Canton. I take it from that you did not have much faith in her bona fides yourself, did you?

Mr. McCABE. Well, I was not surprised at the turn the cases took, because I believe that if they were not having any knowledge of English, and if they were coming to be real students, they would not go to Cushing Academy, because I believed if the Cushing Academy knew all about them, they would not agree to take them.

Mr. BUSIEK. Each Chinese student coming over here under the department regulations has to have some sponsor, or some one to vouch for him, does he not?

Mr. McCABE. Well, there has to be something in the investigation to indicate that financial arrangements have been made for his maintenance while in the United States as a student.

Mr. BUSIEK. Whose duty is it to investigate that? Yours, or the district into which they come?

Mr. McCABE. I believe, and a lot of attorneys claim, it is no part of our duty. That section 6, the men or the so-called exempt class receives a certificate from his Government in China, and then it is investigated over there by the American consul, and when the man arrives at Seattle, if the statements that he makes agree with those on the certificate, that he shall be admitted forthwith, they would have nothing to do with it, but they do.

Mr. BUSIEK. What does your department order you to do?

Mr. McCABE. Well, we are not really ordered to do anything. It is the inspector himself, to satisfy him. For instance, if I had a section 6 student arrive at Boston and he said his father was in China, and he had a proper paper, and his father was going to maintain him and send him money, he was destined to an uncle, I might hold up the examination to see whether or not he did have such an uncle.

Mr. BUSIEK. Now, each one of those students coming to the Cushing Academy had a special sponsor, didn't he?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Did you make any investigation of those sponsors before those boys got away?

Mr. McCABE. You mean before they were admitted?

Mr. BUSIEK. No, sir. Before they got away from Cushing Academy.

Mr. McCABE. No, sir; because of the very fact when I found out, I had written to Mr. Cowell, and he answered me yes, they were there, that settled it and I didn't know anything about it until the Christmas vacation, and Mr. Cowell wrote saying that only three of them had returned, and I immediately started an investigation on the others, where they were and what they were doing.

Chairman WALSH. Your first investigation was to inquire whether or not they were there?

Mr. McCABE. Yes, sir.

Chairman WALSH. Is that correct?

Mr. McCABE. Yes.

Chairman WALSH. When did you discover they could not talk English and did not comply with the ordinary rules of admission of that school? When did you ascertain that?

Mr. McCABE. When Mr. Cowell wrote to me that only three of them returned. I then went to Cushing Academy to get what information he may have as to who was responsible for them in the United States.

Chairman WALSH. Is that the first time you ascertained that they were non-English speaking Chinamen?

Mr. McCABE. I knew from the examination.

Chairman WALSH. To begin with.

Mr. McCABE. That is what caused me to write.

Chairman WALSH. You wrote to the principal of that school and ascertained nothing except that they had arrived?

Mr. McCABE. Yes, sir; that is all.

Chairman WALSH. And then you dropped the matter there?

Mr. McCABE. Yes.

Chairman WALSH. Did it occur to you that maybe this was a smuggling proposition and that they might leave the next day?

Mr. McCABE. No, sir; because——

Chairman WALSH. You had no further information until you received a letter from the principal of that school telling you that only three had returned after

the Christmas holidays; is that right? [No response.] Does that whole file refer to this Cushing case?

Mr. McCABE. Yes, sir. That is, each individual case. There are 20. Well, I asked him what arrangements had been made, if any, for their admission into Cushing Academy, as well as for the payment of their tuition and other expenses while there, and he answered me.

Chairman WALSH. Without going through your file, could you give us a succinct history of that entire transaction with reference to the Cushing School, when they came, how they came, what inquiry you made, and what was done after you were notified by the school that they had left; how many went to other schools; and, if they did not go to any schools, where they are now, so far as you know; and a history of the whole transaction. I will tell you what you might do—it is within five minutes of adjournment time—suppose you go through the file—

Mr. McCABE. I have it.

Chairman WALSH. Is the whole thing there?

Mr. McCABE. Yes, sir. I can give a short history of it right now.

Chairman WALSH. Very good. Go ahead and do it.

Mr. McCABE. They arrived at Vancouver, British Columbia, on November 5, 1911. They were all practically examined on November 9, 1911, and admitted on that date. Then they proceeded to Cushing Academy and remained there until the Christmas vacation in December, 1911, only three of the 20 returning to the academy at the close of the Christmas vacation. Those three that did return left soon after returning.

Chairman WALSH. How soon after?

Mr. McCABE. Well, within one or two months anyway.

Chairman WALSH. I guess you are wrong about that. This professor says they stayed until the end of the school year, which was in June.

Mr. McCABE. Whatever he says is so, but I haven't the particular file.

Chairman WALSH. Give us the history of the other 17.

Mr. McCABE. Well, Yee—do you want the individual names?

Chairman WALSH. No. What became of them. Two went here and three went there and four went there, etc. And you discovered that they were laboring in laundries, or whatever the history of it is.

Mr. McCABE. Well, the last, practically the last reports we had on any of them were in 1912, and at that time one was ill, nine were missing, one was alleged to have died, and nine were at school but assisting in laundries.

Chairman WALSH. Where were the nine at school?

Commissioner DELANO. One ill, one missing, nine at school, and nine were lost.

Commissioner WEINSTOCK. What was the date of that report?

Mr. McCABE. The reports are at different dates, but the majority of the reports were in 1912. For instance, none of the districts but those in the New England districts were chased up. The other inspectors did not follow up theirs, but those that were in the New England district were followed up from time to time. A report from Chicago on February 24, 1912—that is the last report—showed four at the Jones School. March 11, 1913, showed one at school in Boise City, Idaho, or Boise, Idaho, it says here.

Mr. BUSIEK. Is that a report of an inspector out in that district?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. In Boise, Idaho?

Mr. McCABE. Yes.

Mr. BUSIEK. Or did you get that in a letter wrote to Prof. Cowell?

Mr. McCABE. No, sir. I looked up this information, and the best address we could get we sent to the inspector in charge of the district to look them up.

Chairman WALSH. We will now adjourn until 2 o'clock.

(At 12.30 adjourned until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

TESTIMONY OF MR. JOHN A. McCABE—Continued.

Chairman WALSH. The commission will please be in order.

Mr. BUSIEK. Mr. McCabe, you were giving us a history of those students.

Mr. McCABE. Well, perhaps, to have something authentic, I better read each individual one.

Mr. BUSIEK. Do that and that will give us a better idea.

Mr. McCABE. And I will give the file numbers rather than the names.

Mr. BUSIEK. No. Give the names.

Mr. McCABE. Yee Hoi Sheung.

Commissioner O'CONNELL. Is that all one name?

Mr. McCABE. No, sir. The family name comes first. Yee is the same as McCabe. Boston file 2500/440. Last report, June 17, 1912. Alleged uncle denied knowledge of his present whereabouts. Had been working in Charleroi, Pa.

Mr. BUSIEK. Where was this uncle; do you know?

Chairman WALSH. Let me look at that a moment, the paper you are reading from, will you, please, Mr. McCabe? [The document was handed to the chairman.] You can submit that to us just the way it is, can't you?

Mr. McCABE. Yes, sir; but this memorandum I compared hurriedly, and there are a lot of things in the record that would show more. It can be submitted, if you like.

Chairman WALSH. I would like to have you compare that very carefully and save us an hour or so in time in taking testimony, so that it will be authentic and so that there may be no errors made. If that is not full, give us the best you can on those 20 boys. Is that right?

Commissioner DELANO. Yes.

Mr. McCABE. Of course those nine at school may not be at school now. The ones who were in school in our district have disappeared now. Perhaps the same conditions might obtain in the other districts.

Mr. BUSIEK. How many of those were in your district after they left the Cushing Academy?

Mr. McCABE. I can tell by looking at that.

Mr. BUSIEK. You said this morning that nine of them you found at a school but they were working in a laundry also?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Is that a compliance with the law?

Mr. McCABE. No, sir; it is not. The law, well, there is no law on it. It is not compliance with the rules and regulations.

Mr. BUSIEK. Is not the regulation that a student is a person for whose maintenance and support as a student in the United States adequate financial provision has been made or satisfactorily assured, or a person who undertakes to provide for his own support and does not become a laborer, isn't that your regulation?

Mr. McCABE. That is the regulation; yes, sir.

Mr. BUSIEK. Any one who works in a laundry becomes a laborer, does he not?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. When you discovered those nine students working in laundries while they were going to school why didn't you take action to deport them?

Mr. McCABE. Because it would only have caused their discharge by a commissioner, and they could do what they pleased.

Chairman WALSH. Then you refused to take action because you did not think——

Mr. McCABE. The courts refuse to take action.

Chairman WALSH. You were afraid of the court?

Mr. McCABE. Yes, sir. For instance, when these things happened I had seen the commissioner, United States commissioner before whom those cases were brought and I spoke to him: "Suppose a boy came to the United States to go to school and was living with an uncle and father, but he worked during, after school hours, and during vacation, what would you think about it?" Well, he thought the uncle or father was entitled to his help, so, as I know, that even though on their records they might admit they had no relative in the United States, that if they were brought into court they would claim an uncle, and get by with it.

Mr. BUSIEK. Is it not a fact that of those 20 students not one of them had a bona fide uncle; that their uncles all disowned them?

Mr. McCABE. No, sir. Their uncles did not disown them. There was some evidence in the record where they said they were coming to fathers where we had previous record evidence indicating that the man they claimed as a father had no child to agree with their age or name.

Mr. BUSIEK. When you discovered that fact and you would find this man harboring one of those Chinese students, and that student would subsequently

disappear, wouldn't you have a good strong case against this man for aiding in the smuggling of Chinese?

Mr. McCABE. No, sir.

Mr. BUSIEK. Why not?

Mr. McCABE. Because he could satisfy the court by sufficient excuses that he did not intend to violate any law.

Mr. BUSICK. Well, he did claim them as children, didn't he, or as a son? And you say you had evidence that they were not sons of these men?

Mr. McCABE. Well, for instance, you might say that Chin Sing comes to the United States and claims that his father is Wang Soo, of Chestnut Street, Providence, R. I., and we go and see Wang Soo and Wang Soo will say, "Yes, that is my son," and we will look up his record in the office and we will find that in a previous case when he had no motive other than to tell the truth, he said he never had any such son of that age or name. Then if you get him for having—if they had anything to do with bringing a man to the United States, and it was brought before the court the question would be in which statement did he tell the truth.

Mr. BUSIEK. Well, have you ever tried that out? You have the strongest evidence in the world that he lied, if he had no interest in it and he denied having a son, and then when it came to a question of his financial interest he says, "This is my son," don't you think that is sufficient evidence to go to court on?

Mr. McCABE. No, sir.

Mr. BUSIEK. You don't.

Mr. McCABE. No, sir.

Chairman WALSH. Did you put this up to Mr. Billings, as to whether or not you should try to have the law enforced against those smugglers in this particular case, Mr. McCabe?

Mr. McCABE. Under the 20 students?

Chairman WALSH. Yes, sir. Those witnesses, or those men who are now under consideration, the incident of the Cushing Academy.

Mr. McCABE. Of course now they are in our own district, they came into our own district—you must remember that when they were in Cushing Academy they were students according to law.

Chairman WALSH. Did you put up the question as to whether or not there should be prosecutions in this case to Mr. Billings?

Mr. McCABE. Oh, no.

Chairman WALSH. Did you put it up to Mr. Hurley?

Mr. McCABE. No, sir.

Chairman WALSH. You assumed the responsibility for whatever was done in this case individually?

Mr. McCABE. I did; yes, sir.

Mr. BUSIEK. Now, of those students that you have located, you are satisfied that not one of them is a bona fide student?

Mr. McCABE. I was satisfied the minute that they secured their admission that they were not bona fide students in good faith. That they were not students in good faith.

Mr. BUSIEK. And yet you have not made a single case out of any of those, even those whom you discovered and those whose whereabouts you know of?

Mr. McCABE. If I would look at the record I can explain why.

Chairman WALSH. Well, you didn't make a case, first? You did not make a single case? You can answer that question.

Mr. McCABE. You mean I did not bring a single arrest for unlawful residence?

Chairman WALSH. Yes.

Mr. McCABE. None; no, sir.

Chairman WALSH. What is the penalty for smuggling Chinamen in this country? Do you know offhand?

Mr. McCABE. Well, it is \$1,000 fine and one year imprisonment for each and every person brought in.

Chairman WALSH. Did you try to catch this woman?

Mr. McCABE. No, sir. I didn't have anything to do with the catching of the woman. She is in Seattle. We made several reports.

Chairman WALSH. You made no effort to apprehend her?

Mr. McCABE. No.

Chairman WALSH. You made no effort to—do you know this woman's husband?

Mr. McCABE. No, sir. He lives in Detroit, but I know that the Seattle office was inquiring where he was, attempting to show the Seattle office that she did it in good faith and we were attempting to show the Seattle office it was all foolishness to attempt to continue the investigation, because it was conclusively shown that she must have known all about it and that those Chinese were to disappear after a certain length of time.

Mr. BUSIEK. Have you the correspondence with the Seattle office on that?

Mr. McCABE. Yes, sir; it is in the record.

Mr. BUSIEK. Will you furnish the commission with copies of that correspondence?

Commissioner DELANO. If I may interrupt—Mr. McCabe, are many of those boys—were they brothers or supposed to be brothers?

Mr. McCABE. I am not certain but what—I don't know whether any of them were. I think two of them did claim to be brothers. They were either first cousins—I know two of them claimed to be first cousins or brothers.

Mr. BUSIEK. For instance, if the first name is a family name, as I understand from you it is—

Mr. McCABE. Yes, sir.

Mr. BUSIEK. There are five names here that are repeated several times?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. For instance, several Yees?

Mr. McCABE. Yes, sir; they were members of the Yee family. It would not necessarily follow that they were any blood relation, though.

Mr. BUSIEK. Several Muls?

Mr. McCABE. Yes, sir; Moy is your family name there, but it is phonetically spelled differently; different districts pronounce it differently; but it is the Moy family.

Mr. BUSIEK. Moy?

Mr. McCABE. Yes.

Mr. BUSIEK. What we usually spell M-o-y?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. This is spelled M-u-i?

Mr. McCABE. Yes.

Mr. BUSIEK. Then there are several of the Chin family?

Mr. McCABE. Yes, sir; Chin On or Chen; they are all of the same family.

Mr. BUSIEK. Then there are several of the Li family?

Mr. McCABE. Yes, sir; that is the same as Lee.

Mr. BUSIEK. Then there are several here that you have marked Ng?

Mr. McCABE. That is spelled Ng, Eng. or Ung.

Mr. BUSIEK. They did not claim to have been closely related or brothers?

Mr. McCABE. I think that in one—there was one case where they either claimed to be brothers or first cousins. The individual records would show that. You wanted copies of the correspondence?

Mr. BUSIEK. Passing between your office and the Seattle office in regard to this Sarah Hing and her husband.

Mr. McCABE. I don't know anything. The correspondence we had was with the commissioner of immigration in Seattle regarding the good faith of Mrs. Hing pending the investigation, and we did not think—

Mr. BUSIEK. Did you ask for her arrest, that she be brought back here to stand trial?

Mr. McCABE. No, sir.

Mr. BUSIEK. What did you want the Seattle office to do?

Mr. McCABE. It was the Seattle office that was asking us about it. We assumed that Mrs. Hing was anticipating bringing in more Chinese to Seattle under some circumstances, and we immediately answered Seattle to look very wise, as the saying is, and if she was trying to put one over on them that the records of those other Chinese indicated that they were not brought here in good faith, and that she must have known it.

Mr. BUSIEK. Didn't you think that that woman ought to be arrested and ought to be prosecuted, and her husband also?

Mr. McCABE. Yes; but they could come into the country easily and say, "Why, we were intending that they go to school. As evidence of it we paid so much." I understand that she is now arguing with the Seattle office to that effect. I don't know what correspondence the Vancouver office has had with her, but she is attempting to find out where they are. That it was her intention to have them come here and be students in good faith—

Mr. BUSIEK. Did you ever take up any investigation to find out whether or not this woman was actually an organizer of the W. C. T. U. in China, or of the Young Women's Christian Association, as she claimed in the letters to Mr. Cowell?

Mr. McCABE. No, sir; I don't think so; but, from what I hear unofficially, I don't believe she was.

Mr. BUSIEK. Where did you hear that unofficially?

Mr. McCABE. Well, I think from our interpreter. I think you will find it in one of the records.

Mr. BUSIEK. Well, I wish you would supply the commission with that as you leave or at some other time. But you did know and were satisfied in your own mind that she was not any organizer of the W. C. T. U.—

Mr. McCABE. I am satisfied now that she was not.

Mr. BUSIEK. You read the letters which she sent to Mr. Cowell?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Didn't that satisfy you in your own mind that she was not a teacher of English?

Mr. McCABE. Oh, yes. You could see that.

Mr. BUSIEK. The Cushing Academy was in touch with her for two months after the students left, and you saw the correspondence which they had with her. Didn't it occur to you to try to have that woman arrested, knowing that she was not a teacher of English, knowing that she was not a religious organizer as she claimed to be, and knowing that she brought over 20 students and that they left?

Mr. McCABE. No, sir; it didn't occur to me. She was not in my district, and the bureau knew all about it. If the law officer in the bureau, who was more conversant with the law than I am, if he saw he had any chance of convicting her, I am pretty sure they would institute proceedings.

Mr. BUSIEK. When you speak of the bureau, who do you mean?

Mr. McCABE. The bureau in Washington.

Mr. BUSIEK. The bureau in Washington?

Mr. McCABE. Yes.

Mr. BUSIEK. Didn't you originate any such proceedings, don't you on your own responsibility?

Mr. McCABE. I would, if the person was residing in my district.

Mr. BUSIEK. Under the present arrangements it seems all they have to do to escape is to move to another district?

Mr. McCABE. No, sir. If I was conversant with any matters and we had any chance of conviction, I would take it up with the next district or wherever they went.

Mr. BUSIEK. Did you take it up with the district where she went?

Mr. McCABE. I don't know where she did go.

Chairman WALSH. Did you advise prosecution at any time in this case, of any person in connection with this whole matter?

Mr. McCABE. No.

Chairman WALSH. Have you ever been approached by a smuggler or by a Chinaman with offers of compensation to overlook any of those matters?

Mr. McCABE. No, sir.

Chairman WALSH. Never in your whole experience here?

Mr. McCABE. No, sir.

Chairman WALSH. Have you heard of anybody being approached, of your assistant or any other person?

Mr. McCABE. Never heard of my assistant being approached, but lots of rumors.

Chairman WALSH. Did you ever get any specific information of any person being offered money to overlook any of those things?

Mr. McCABE. No, sir; I never did.

Chairman WALSH. You never did?

Mr. McCABE. No.

Chairman WALSH. You know of no specific instance?

Mr. McCABE. No, sir.

Chairman WALSH. Had you ever received an intimation from Washington, or otherwise, that you should overlook any smuggling of Chinese? Have you ever received such?

Mr. McCABE. Never.

Chairman WALSH. How many contraband Chinamen would you think are in Boston to-day?

Mr. McCABE. Well, it is a pretty hard question to answer.

Chairman WALSH. Approximate it. Do the best you can on it. Your best judgment.

Mr. McCABE. By contraband Chinese you mean Chinese who are in the United States who gained admission by fraudulent evidence; and also those who have entered surreptitiously?

Chairman WALSH. Yes.

Mr. McCABE. Well, of course we try not to be prejudiced, but I think that long dealing with Chinese make you believe that quite a great per cent—

Chairman WALSH. Well, about what per cent?

Mr. McCABE. Well, of course, I can only base an answer to that question on the cases that I have arrested.

Chairman WALSH. Don't you see Chinamen? Aren't you going about in the Chinese districts all the time?

Mr. McCABE. No, sir; I am not.

Chairman WALSH. How often do you go down to the Chinese district?

Mr. McCABE. I never go down only when I have official business in connection with some case.

Chairman WALSH. How frequently in a week would you go down there?

Mr. McCABE. I don't believe I would go down there, well, it would not average five times a month.

Chairman WALSH. Does Mr. Sullivan go down oftener than you?

Mr. McCABE. No, sir.

Chairman WALSH. Do you see new faces at times when you go down to the Chinese district?

Mr. McCABE. No, sir.

Chairman WALSH. Tell me your approximate estimate of how many contraband Chinamen there are in Boston. I don't care what you base it on?

Mr. McCABE. Well, I understand when you say contraband Chinese, you mean those who entered without inspection and those that I think gained admission by fraudulent evidence?

Chairman WALSH. You described that before. How many do you think are here?

Commissioner WEINSTOCK. In other words, those you think are here unlawfully?

Chairman WALSH. Yes.

Mr. McCABE. Well, I will say 30 per cent, and still if I were asked to back it up by some statistics it would be rather hard for me to do it.

Chairman WALSH. I know, but I am asking you for your approximate estimate now. I am not asking you for statistics. What is your approximate estimate? You are the inspector here, and you have knowledge if anyone has.

Commissioner WEINSTOCK. Are you speaking of Boston or Massachusetts?

Chairman WALSH. Of Boston.

Mr. McCABE. I think what holds of Boston holds with the whole United States.

Chairman WALSH. Thirty per cent?

Mr. McCABE. Yes, sir.

Chairman WALSH. At any time during the last six months have you attempted to bring in any Chinamen to ascertain whether or not they are lawfully in this country, within the last six months?

Mr. McCABE. Oh, yes.

Chairman WALSH. How many cases?

Mr. McCABE. Well, probably 15 or 20. I didn't bring them in, you must remember; I investigated them.

Chairman WALSH. Somebody told you; pointed those out?

Mr. McCABE. No, sir.

Chairman WALSH. Or called your attention by an anonymous letter?

Mr. McCABE. No, sir. I have cases under surveillance all the time. A student gets admitted at Seattle and they send me notice of it; he is going to such a place, and I go there to see if he comes. I have two or three cases now for surveillance of six students in Haverhill.

Commissioner DELANO. Where are they?

Mr. McCABE. Haverhill, Lawrence. I just closed a case the other day, where a Chinaman of four years ago, section 6—students. Here three or four weeks ago they sent notice that he was at No. 684 Dudley Street. I went to No. 684 Dudley Street, and they knew nothing about him, so I returned the

papers. Now, we have two or three in Haverhill to look up, and another one in Lawrence.

Commissioner DELANO. Can you talk any Chinese?

Mr. McCABE. No, sir.

Commissioner DELANO. You know some of the common words, I suppose?

Mr. McCABE. Very little. I know whether or not, if I asked a question, and it was in answering it it required a number or the name of some man, I would know whether or not the interpreter was giving me a number or a name. From the questions we ask we sometimes have an idea whether or not we are getting a correct answer from the interpreter as given by the witness, but outside of that, no.

Commissioner DELANO. How many years have you been doing this; since 1903, isn't it?

Mr. McCABE. Yes.

Commissioner DELANO. You have been specializing on Chinese since 1903?

Mr. McCABE. Yes, sir.

Commissioner DELANO. How many Chinese women are there in Boston?

Mr. McCABE. I should say about 20.

Commissioner DELANO. Is that all?

Mr. McCABE. Yes, sir.

Commissioner DELANO. Out of a population of over 1,000?

Commissioner LENNON. He said 3,000.

Mr. McCABE. Yes; I estimated that—

Commissioner DELANO. You thought the population here exceeded 3,000. You have a census on that, but you said the population of New England was between 4,500 and 5,000, of whom one-third were in Boston?

Commissioner LENNON. I understood him to say 3,000 in Boston.

Mr. McCABE. Yes, sir; I said that Massachusetts had in round numbers about 3,000.

Commissioner DELANO. What proportion of those are in Greater Boston?

Mr. McCABE. I would say two-thirds.

Commissioner DELANO. Two-thirds?

Mr. McCABE. Yes, sir.

Commissioner DELANO. That would be 2,000?

Mr. McCABE. Yes, sir.

Commissioner DELANO. Do you mean to say that there is only one woman to 200 men?

Mr. McCABE. I am speaking about adults. Yes, sir.

Commissioner DELANO. Now, what kind of women are they? Are they women that live with their husbands, or are they sort of promiscuous?

Mr. McCABE. No, sir; I don't know of any prostitutes. I arrested four or five years ago a woman who was alleged by the interpreter, was said by the immigration commissioner, to be a prostitute; but she succeeded in getting discharged because she was the wife of a merchant in New York and had not been divorced.

Mr. BUSIEK. What was her name; was it Hore She?

Mr. McCABE. Chan I Ying.

Mr. BUSIEK. Does your interpreter spend his time down in Chinatown?

Mr. McCABE. He lives in Chinatown.

Mr. BUSIEK. Does he bring you any information?

Mr. McCABE. Well, no; not unless I ask him for it.

Mr. BUSIEK. Do you ask him for it?

Mr. McCABE. Only in such cases where I have got to absolutely get it. In other words, I never put many things up to him, because, when I want to get something—it is like you touch a man for \$5 to-day and may give it back to him to-morrow, and the next day you touch him again, and the result is that he may give some excuse that he has not got it, although he has, and it is the same way with the interpreter. If I don't put too many things up to him, then when it is an awful important thing I may be able to convince him, now, "Get this for me."

Mr. BUSIEK. In other words, the interpreter hasn't got his heart and spirit in the work?

Mr. McCABE. I would say no. Any interpreter, I believe, is—sits there and asks the questions and gives back the answers. For instance, we might say that a witness is attempting to crawlfish; if I understood Chinese I could quickly get through an examination, and I could prevent a witness from attempting

to evade the question or not give responsive answers, and it is impossible to do that with a Chinese interpreter.

Commissioner O'CONNELL. He is employed on an annual salary?

Mr. McCABE. Yes.

Commissioner O'CONNELL. Permanently in the employ of the Government?

Mr. McCABE. Yes, sir.

Commissioner WEINSTOCK. Civil service?

Mr. McCABE. No, sir; he is a native of China.

Commissioner WEINSTOCK. Was he born here?

Mr. McCABE. I never had any experience with any of them, but I imagine that they are just the same.

Commissioner WEINSTOCK. Do you mean that they coach a witness and tell him what to answer?

Mr. McCABE. No, sir; I don't mean that. I mean, for instance, that there might be rumors of smuggling and everything that the Chinese interpreter might hear, and he not report them to me. Possibly, because he may think it is no part of his duty, although he takes an oath of office the same as the rest of us.

Commissioner DELANO. Do you have on your staff anybody whom you can use in the way of detective, who knows what is going on in Chinatown?

Mr. McCABE. No.

Commissioner DELANO. You told me just now that there are only 20 adult women in this Chinese colony here in Boston. That seems an extraordinarily small number. How many children would you say that there are?

Mr. McCABE. Not over 50. You mean by children those that have been born in Boston, do you?

Commissioner DELANO. I mean who are obviously children—under 14 or 15.

Mr. McCABE. I should say not over 100 in the metropolitan district.

Commissioner LENNON. Are those 20 women the mothers of those 100 children?

Mr. McCABE. No, sir.

Commissioner LENNON. Where did they come from? Where did they originate?

Mr. McCABE. Brought here by their fathers. Their fathers were actually merchants or succeeded in convincing the Immigration Department that they were, and that these children were their minor children.

Commissioner O'CONNELL. Have you had any cases where they have attempted to bring children in and tried to prove a false parent or relative?

Mr. McCABE. I think it happens quite frequently. For instance, it is a peculiar coincidence that sometimes here is a man who is bringing a son to the United States; he has been declared by a court of competent jurisdiction that he was born here. So having been a citizen of the United States he is entitled to bring his children here. So a Chinese person applies for admission, and testimony is taken, and there may be some slight discrepancy, and you will ask the father, "Well, does this applicant resemble you or his mother?" Well, if he has got any little thing that will be said to resemble the father, "Yes, he resembles me some, but the mother more." It also happens as a peculiar incident that oftentimes the boy applying for admission has many features about his face that show a striking family resemblance to what we call the identifying witness, the second witness in the case, who testifies that he knows that this man who is trying to bring the son in is married and that this is his son, and the reason for that probably we will discover that the identifying witness has no right to bring a son to the United States; so sometimes we assume that on account of the striking resemblance and some slight discrepancies the boy coming in is the son of the identifying witness.

Commissioner O'CONNELL. In any case where there is some particular Chinaman or Chinamen here who have the reputation of having large families, by being sponsors for children coming in here, are there any of those?

Mr. McCABE. Yes, sir. For instance, in the last two or three years they have given the privilege to Chinese and natives to have their cases preinvestigated before they go away to practically insure their return, so the majority of those native cases were arrested, tried, and discharged on the Canadian-New York border, anywhere from 1903 up to 1906, and at the time of their discharge they claimed various ages, anywhere from 18 to 30. Now, they are going back to China, and going back they were all of them married; a lot of them were married at the age of 17 and have three or four children that are anywhere from 12 to 17 years old.

Commissioner O'CONNELL. What I was trying to get at is this, like the case of a professional bondsman. For instance, around the court are there any particular Chinamen that largely appear to claim children?

Mr. McCABE. As witnesses?

Commissioner O'CONNELL. No. Acting as professional parent, as it were.

Mr. McCABE. No, sir. They can not do that, because their records are in the office. When he is a witness in one case you might as well say his hash is cooked for a witness in another case, especially on account of the prepared stories. It is hard to remember a prepared story.

Commissioner O'CONNELL. Is there any person in Boston who has brought over an exceptionally large number of children?

Mr. McCABE. No, sir.

(At this point the commission went into executive session for 10 minutes, after which Mr. McCabe resumed, as follows:)

Mr. BUSIEK. Now, Mr. McCabe, as I understand it, you say it is impossible to get a Chinese interpreter who would do work like an inspector does; that is, when he sees a suspicious case reported and work it up and attempt to get that person deported? He would not use his own initiative in originating cases, is my understanding—

Mr. McCABE (interrupting). Yes. I think that is practically impossible. He would not need to work it up if he would give us the benefit of what information he could get, being Chinese.

Mr. BUSIEK. Is that condition generally realized by the Immigration Department?

Mr. McCABE. I believe—yes; they certainly must know it; yes, sir.

Mr. BUSIEK. Then an interpreter in the Immigration Department is nothing more than an interpreter, and you have no confidence in one helping you beyond merely doing his work as interpreter?

Mr. McCABE. That is all.

Mr. BUSIEK. And have you any reason to suspect that they do not do that honestly, or that they would shield certain interests? What I want to get at is, the Chinese interpreter takes an oath of office the same as you do, and it is his duty under his oath of office to assist in the detection of violations of the law?

Mr. McCABE. Yes.

Mr. BUSIEK. He does not do that, and that condition is generally realized, is it?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Have you any suspicion, then, that if this man fails in one duty he may fail in another, namely, that of interpreting honestly?

Mr. McCABE. That might be so.

Mr. BUSIEK. What do you think of your own interpreter, Mr. McCabe?

Mr. McCABE. I think he is as good as any.

Mr. BUSIEK. And that is poor?

Mr. McCABE. Well, I am not speaking about his ability as an interpreter and his knowledge of English or of Chinese. I am not saying that, but I am speaking about his honesty.

Mr. BUSIEK. Do you suspect that he has fear of his own race in any way—Black Hand or anything?

Mr. McCABE. Oh, yes. The majority of them—they must live among the Chinese and when they get old they expect to live with the Chinese or return, and it must be that they can not be very officious. I think the Chinese race is not like any other race. For instance, it would not make any difference if it was my best friend and he did something and I had to get after him, why that would be my business, and that is all there is to it. But I believe it is different with the Chinese.

Mr. BUSIEK. Then we can sum up some of the difficulties in an Immigration Department, from the testimony you have given, in this way; that when once a Chinaman has gotten into this country there is little likelihood of his ever being deported, no matter how he got here. The chances are small that he will ever be sent out?

Mr. McCABE. Yes. If he is here over three years and the Government hasn't any knowledge as to how he entered.

Mr. BUSIEK. Well, you have had about 20 deportation cases in the last year?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. That represents the sum total——

Mr. McCABE. I did not have 20. I have not had in this district—since January 8, 1909, up to the present time in the metropolitan district Commissioner Hayes has heard the cases of 16.

Commissioner O'CONNELL. Since when?

Mr. McCABE. Since January 8, 1909, up to the present time 16 cases were brought before Commissioner Hayes for unlawful residence.

Mr. BUSIEK. What did he do with the 16 cases?

Mr. McCABE. Ordered deportation in seven, discharged seven, and discontinued one as the defendant departed for China at his own request, and one case is pending.

Mr. BUSIEK. How many cases have you brought or worked up——

Mr. McCABE (interrupting). That is a pretty good record unless I qualify it——

Commissioner O'CONNELL. Only seven deportation cases since 1909?

Mr. McCABE. That is, out of 16; of the seven ordered deported four were the so-called Springfield Hay Car cases. They had gotten in a hay car coming from the border; and one had smuggled back into the country after deportation from Norfolk, Va., about five years ago, leaving but two cases in which there was not the most convincing evidence offered by the Government as to the illegality of the defendants' residence here. So he practically did not have anything to do in the cases he ordered deported—no chance for exercising any weighty decision. Only in two cases. The rest were dead open and shut and he had to order them to be deported. Now of the discharges—of the seven discharges—those connected with the prosecution of the cases admitted that only in two of them was the discharge justifiable. In the cases of the other five defendants discharged they were briefly discussed in a letter to the district attorney of Massachusetts in the matter of designating somebody else to hear——

Mr. BUSIEK (interrupting). Will you furnish the commission with a copy of that letter?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Now, to get back to the proposition we started out on, you concede it as a fact that there are thousands of Chinese in this country who have no right to be here, and whose troubles virtually cease when they cross the border and mingle with the Chinese colony in the various cities?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Another trouble is, as you will admit, will you not, that there is no organized effort to inspect the Chinese now in this country? That is, no check is kept on those who are here. There is no system whereby the immigration authorities can readily check up on the Chinese in this country?

Mr. McCABE. Well, it was said at the time we were making the census in 1905 and we were called off, that that was the purpose of it, was to find out how many were lawfully here and that later arrests would be made.

Mr. BUSIEK. Who called you off?

Mr. McCABE. Well, we were told by the bureau to discontinue it.

Mr. BUSIEK. Have you any idea officially—received officially or unofficially—who was the moving cause or what was the moving cause of your being called off?

Mr. McCABE. Well, I think at the time there was some rumor about it not being constitutional or something—I don't know—I know we were told to discontinue it, and the bureau would be able to explain.

Commissioner LENNON. You have no system whereby you can tell whether there are more Chinamen in Boston this month than there was a month ago?

Mr. McCABE. No.

Mr. BUSIEK. Another fact stands conceded, and that is that interpreters—Chinese interpreters—do not furnish their inspectors with the information which they themselves——

Mr. McCABE (interrupting). Have an opportunity of getting.

Mr. BUSIEK (continuing). Have an opportunity of getting?

Mr. McCABE. No; they do not.

Mr. BUSIEK. Mr. McCabe, if this commission has a report that you are or can be found frequently at the Yen Wing Low restaurant at night with your interpreter, would that report be true or false?

Mr. McCABE. Be false from start to finish—totally unfounded.

Mr. BUSIEK. Have you ever been down there of an evening?

Mr. McCABE. I have dined probably 15 or 20 times in 10 years at what I call the Royal restaurant which at one time was at No. 15 Harrison Avenue and is now across the street at No. 18.

Mr. BUSIEK. Nos. 18 to 22?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Who runs that place?

Mr. McCABE. Chin Fong, I think, is the manager of it.

Mr. BUSIEK. Have you ever been there with Charley Hoiske?

Mr. McCABE. No.

Mr. BUSIEK. Then we can label that report false?

Mr. McCABE. Yes; from start to finish. The restaurant that you allude to I don't know—what was the name of it? Or what number?

Mr. BUSIEK. It is Nos. 18 to 22 Harrison Street.

Mr. McCABE. Well, that must be the Royal restaurant. That is what I call the Royal restaurant. I was there, yes; I have eaten there in the 10 years probably 18 or 20 times.

Mr. BUSIEK. Do you know a laundryman by the name of Moy Dong June, of Marblehead?

Mr. McCABE. No, sir.

Mr. BUSIEK. Do you know of any relative your interpreter has at that place?

Mr. McCABE. In Marblehead? No.

Mr. BUSIEK. Can you locate that man, a laundryman in Marblehead?

Mr. McCABE. I know Jung Daw, who is at No. 5 Oxford, with Hap Yick Ling & Co. What relation is this Moy Jung Daw supposed to be to my interpreter?

Mr. BUSIEK. He is supposed to be a nephew of your interpreter?

Mr. McCABE. I don't doubt a bit but what he is and but what he applied for admission to enter Boston and was deported and paid the head tax to Canada and had him smuggled in.

Mr. BUSIEK. That is our information.

Mr. McCABE. I don't doubt it now you have that information. I believe he is.

Mr. BUSIEK. Any information you have about him?

Mr. McCABE. No; I always suspected him, in view of the fact that the fellow paid a head tax in Canada, that he paid it for the purpose of smuggling into the United States.

Mr. BUSIEK. Well, Mr. McCabe, I am going to give you this man's address and ask you to make a private report to the commission on this man. You will know best how you can go about that.

Mr. McCABE. This man's name—

Mr. BUSIEK. I have just given you.

Mr. McCABE. Yes; I have his record in the office. In fact, the man—if it had not been for the interpreter himself being an uncle of the boy, and having made a previous statement in his own case, why, the fellow would have been admitted. The only thing was that the fellow's own statement showed the boy was over 21 and he was ordered deported.

Mr. BUSIEK. I have not the address of this Chinese at Marblehead, but he is in a laundry there. Now, your interpreter, Moy Schere or Moy Foooh, attempted to assist in getting this boy into the country, didn't he, when he tried to enter Boston as the son of a merchant?

Mr. McCABE. No; he did not; but I distinctly told him that it was absolutely useless to take any appeal or anything. I told the interpreter—for instance, when the boy applied for admission, I sent to get the interpreter's record, to see what he said, when he was coming in, about his family relation. In that he mentioned this brother and said he had this son and that he was such an age. Then, that at the time he applied for admission to Boston showed he was over 21; and while Moy's brother proved his merchant's status, the son was not eligible for admission, being over 21, and for that reason he was deported; and when he was deported, why, we sent the papers to Vancouver to check out the deportation, and in doing that the report came back that this fellow had paid the head tax in Canada, and I knew then that his father being in the United States, that that was for the purpose of his surreptitiously entering the United States, and I always believed he had; but where he was I never knew until now.

Mr. BUSIEK. And if you knew, as a matter of fact, that this boy now in Marblehead, Mass., or if your investigations should convince you of that and you further found out that he comes down and visits his uncle every other

week or so of a Saturday night, what action would you take in regard to the interpreter?

Mr. McCABE. Well, I would report it to Washington. That is all the action I would take.

Mr. BUSIEK. What action would they be apt to take?

Mr. McCABE. Well, I don't know what action they would take, but I know I would still say—of course if he knew about it and it was not any relation of his I would almost believe in recommending his dismissal. But still the next fellow I get would not be—I believe would not be any better than this fellow, and I am afraid might not be as good.

Mr. BUSIEK. Then the situation is this, that here is your own interpreter who actively connives at violation of law, and yet you would hesitate to turn him loose for fear of getting something worse?

Mr. McCABE. Yes; that is about the size of it.

Commissioner LENNON. Well, let me ask you one question. Would it be possible for the Government to get Americans who can speak Chinese in sufficient numbers for interpreters?

Mr. McCABE. I don't think it is possible, for the simple reason that the Government does not want to pay the money.

Commissioner LENNON. If they would pay, they could be had, possibly?

Mr. McCABE. Why, yes; they could take and send some boys—start to-day, and have them 15 or 16 years old, or even 18 or 19, and let them go to China and pay them a salary enough while they were learning the language; but then you must remember that even if they talk Chinese they could not bring in information.

Commissioner LENNON. That is, they could not mix with the people?

Mr. McCABE. No.

Commissioner LENNON. I have a cousin in San Francisco that talks Chinese with anybody. He is a tea buyer. He goes to China a couple of times a year and has for 30 years, probably. I did not know but what there were plenty of such men.

Mr. McCABE. I don't believe there are.

Mr. BUSIEK. Now, these Chinese societies known as Highbinder societies, do they flourish here in Boston?

Mr. McCABE. Well, they did—they were—I understand. The best history I get about that is there was a society formed called the Hep Sing Tong, and as I understand it—I haven't any personal knowledge of it—they were instituted for the purpose of levying blackmail on the stores that had gambling; and the result was that the stores, or those that had gambling, formed a society supposed to be composed of the management of the different stores, called the Oleong Ting, and that was to combat the influence of the Hep Sing Tong.

Mr. BUSIEK. How is smuggling now carried on, if at all?

Mr. McCABE. Well, by automobile. That is, across the Canadian-United States border—and by launch and by boat, being stowaways—one or two at a time.

Mr. BUSIEK. Have you ever tried to cast an estimate in your own mind as to just about how many Chinese get in?

Mr. McCABE. Well, I understand—

Mr. BUSIEK (interrupting). Of course we know it is a guess, but your sources of information—

Mr. McCABE (interrupting). Well, in Canada there were 6,000 Chinese—I don't know whether it was last year or the present fiscal year—paid \$3,000,000 head tax, and they made some census at one particular time, say, the beginning of the year; and then they made it later, and none of those 6,000 were there. In other words, the Chinese population had not increased any in the year, although according to the head tax it ought to be increased about 6,000. Now, where did they go?

Mr. BUSIEK. The reasonable presumption is that those Chinese entered the United States.

Mr. McCABE. I think that you—for instance, assume that we have a commissioner of immigration in Montreal. He must know now—for instance, our Chinatown, if when we go down there on official business, we see the same faces all the time, they are the workers, and have something to do, and while we might not know them we know they are helping in the store, because I go into the store four or five times a month, and I know the regular ones in there, and the others I don't consider I have any knowledge of them being connected with it because they do not appear to be connected with it. So, likewise, in Montreal, Canada, our officials must have some knowledge of great numbers

loafing around; and therefore if there are great numbers loafing around in Montreal, they are loafing around for no other reason than for having arrangements made to get across. And so, likewise, in Toronto and all the other quarters.

Mr. BUSIEK. In Mexico no head tax is required?

Mr. McCABE. No.

Mr. BUSIEK. And neither is any required in the West Indies?

Mr. McCABE. Nor Jamaica.

Mr. BUSIEK. Well, Jamaica is classed as the West Indies.

Mr. McCABE. West Indies; yes, sir.

Mr. BUSIEK. And there are constant arrivals in these various places seeking an opportunity to get into the United States.

Mr. McCABE. Must be, because it don't seem as though there was a livelihood for them there.

Mr. BUSIEK. And it would not take a very artful man, where the number of patrols is scattered so as to extend over 20 miles between, to smuggle Chinese across?

Mr. McCABE. No; and I don't think it would take much either to take a schooner and go down to Jamaica and put them on and put them off along the southern coast.

Mr. BUSIEK. And the entire Atlantic seaboard is full of bays and inlets where they can land?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. And while having no official knowledge of entry that way, is it not your judgment that thousands do get into the country through these various means that we have been discussing?

Mr. McCABE. Well, I would not know how many thousands to put it; but knowing—there is what we call retail and wholesale smuggling. The retail will probably be two at a time, and the wholesale 40 or 70 in a schooner and bring them in. And knowing that it has been done both ways in the past, I assume it is being done to-day.

Commissioner LENNON. What amount have you ever heard of smugglers receiving for bringing in Chinamen per head?

Mr. McCABE. I have heard that the average price to get a man across the Canadian border, if they have a pretty easy method, is \$125. That is for one man. We don't know what somebody else gets. I imagine that the cheapest price would be about \$300, and they are willing to pay more than that to be absolutely certain of getting in.

Commissioner LENNON. Well, these that were captured that time down here at Providence from that boat—

Mr. McCABE. Yes.

Commissioner LENNON. Was there ever any record as to the amount that was paid for each of those?

Mr. McCABE. Well, I heard it was \$400 apiece.

Commissioner LENNON. And that, of course, went to the owner of the vessel or somebody back of him?

Mr. McCABE. Well, I don't know as it was ever paid. I heard another rumor that the attorney that defended them got it all; but I don't know even at that whether it was paid, because they were not safely brought in.

Mr. BUSIEK. Then, if the commission has had the price quoted to it at \$750, it has been too high and above the market rate; is that right?

Mr. McCABE. Well, I would say—for instance, this surreptitious entry—but entry with inspection, I would not consider it too high at all for anyone to guarantee we will furnish the witnesses, etc. In fact, I have heard lots of rumors that the attorney in a case has got as high as \$1,000.

Mr. BUSIEK. Mr. McCabe, I want you to understand now that these hearings are secret, and for that purpose we have held them in executive session. Would you give us the names of some of the attorneys whom you suspect are engaged in actively aiding and abetting smuggling, and not only attorneys but other persons whom you have reason to suspect?

Mr. McCABE. Well, aiding and abetting smuggling—for instance, I believe that any attorney is not aiding and abetting smuggling. I think, for instance, like all lawyers, a man might come in to have him take a case, and he might in his own mind believe the man has not a moral right to be here, but by some hocus-focus of the law he could defend him, he will—

Commissioner O'CONNELL (interrupting). Is there any particular lawyer or lawyers here making a specialty of that?

Mr. McCABE. I don't know that they make a specialty, but they go to certain lawyers. They go to certain lawyers for the simple reason that the lawyers themselves, I have no doubt, say, "I stand well in Washington, and I know McCabe; and I know So-and-so," and in that way they get cases; and they are also astute and conversant with the ins and outs of the Chinese-exclusion law, and therefore one lawyer will get more cases——

Mr. BUSIEK. There is not much law on Chinese exclusion?

Mr. McCABE. No; not much law; but almost all the cases are decided on questions of fact.

Mr. BUSIEK. That is to say, the man who is successful in those cases has got to inspire perjury, or win his cases on the benefit of perjury?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. Now, being a lawyer myself, I think you have got most lawyers wrong. I don't believe most lawyers would do that—would avail themselves of downright perjury if they knew it.

Mr. McCABE. Oh, I don't say that any lawyer, even in Chinese cases, is putting over downright perjury; but, for instance, we will assume that an attorney has a case where the boy is applying for admission as the son of an alleged native. Now, the father has been home to China three years ago, and he returns ahead of the boy a couple of years, and he said while at home on that visit he had an infant son born; and along comes this 12-year-old, or 15 or 16 year old, son and attempts to get in, and the attorney takes that case and argues to win it.

Mr. BUSIEK. What lawyers in Boston have the most of that business?

Mr. McCABE. Joseph F. O'Connell.

Mr. BUSIEK. And as a matter of fact you have heard it stated, have you not, that he plays up his political influence in Washington?

Mr. McCABE. Well, I don't know—yes; I have heard it.

Mr. BUSIEK. Have you ever seen anything that would indicate to you that he did have influence at Washington in Chinese cases?

Mr. McCABE. No more than anyone.

Mr. BUSIEK. You frequently have reversals—are overruled by the bureau at Washington—after deciding to exclude——

Mr. McCABE (interrupting). Well, of course, we haven't any Chinese applying for admission at Boston; but knowing the cases that we investigate for other ports are reversed and sustained——

Mr. BUSIEK (interrupting). Who is it at Washington that reviews your findings—what man?

Mr. McCABE. Mr. Parker and Mr. Peters; but they invariably support the inspector. When they go against him, the inspector hasn't any real feeling in the case. For instance, there are lots of times an inspector in the field would feel that a man ought to be admitted, but to keep his skirts clean he denies him and lets somebody else pass on it.

Mr. BUSIEK. Does Larned pass on any of the cases—on any of these appeals?

Mr. McCABE. Of course, all the mail is signed either by the Commissioner General or the Acting Commissioner General who would possibly be Larned.

Mr. BUSIEK. I believe that is all the questions I wish to ask Mr. McCabe. Oh, I would like to get you to state what percentage of Chinese who have established their right to be in this country bring their wives or children?

Mr. McCABE. Well, a very small per cent; but it is only within the past two or three years that they have understood that they had a right—you mean the natives?

Mr. BUSIEK. Yes.

Mr. McCABE. It is only within the past two or three years that the natives learned that they had the right to bring them in; and they were bringing in their sons right fast, but the bureau finally put a stop to it by having them prove their nativity, in a technical sense *res adjudicata*, and that has kind of stopped them.

Mr. BUSIEK. Well, any Chinese merchant has the right to bring children over here, hasn't he?

Mr. McCABE. Yes; his minor children.

Mr. BUSIEK. Does not pretty nearly every Chinese merchant have minor children? Isn't that practice growing——

Mr. McCABE (interrupting). Well, yes. Oh, there is——

Mr. BUSIEK (interrupting). It is true, is it not, in the department, that they find that one of the prime frauds——

Mr. McCABE (interrupting). Yes; that they bring their own sons and also fake the merchant's status in order to be eligible to bring a son——

Mr. BUSIEK (interrupting). Yes; and any act which would establish the status of all Chinese in this country, such as a reregistration act regarding the Chinaman already here, would not that give rise to a surging flood of such cases of Chinese bringing in children——

Mr. McCABE (interrupting). For instance, if you pass a law now to reregister all Chinese——

Mr. BUSIEK (interrupting). Irrespective of how they happen to be in this country——

Mr. McCABE (interrupting). I think there would be a repetition of the same thing over again. For instance, there are certain Chinese that would not need to register. For instance, if we had an act——

Commissioner WEINSTOCK (interrupting). Now, Mr. McCabe, you were saying that there were about 800 Chinamen in Boston and 20 women?

Mr. McCABE. I said about 2,000 or something.

Commissioner WEINSTOCK. Who said it, there were 800?

Mr. BUSIEK. That was by the Massachusetts census—884 in 1905; but for your information I will say that is a census compiled by the State. I got those figures at the public library last night.

Commissioner WEINSTOCK. Now, you say, Mr. McCabe, there are about 2,000 Chinamen here?

Mr. McCABE. I am estimating it from our census of 1905. Now, you say in Boston; but when I say 2,000 in Boston I mean going out to Lynn and Lowell.

Commissioner WEINSTOCK. And about 20 women?

Mr. McCABE. Yes, sir.

Commissioner WEINSTOCK. Now, we know that the Chinaman in China, as a rule, does not lead a life of continence. You understand that to be a fact?

Mr. McCABE. Yes.

Commissioner WEINSTOCK. Now, how do the great body of Chinamen here gratify their sexual desires?

Mr. McCABE. That I don't know, unless with white women.

Commissioner WEINSTOCK. Are Chinese permitted to visit white sporting houses?

Mr. McCABE. I have no knowledge of it.

Commissioner WEINSTOCK. I am just now advised that they do not have them in town.

Mr. McCABE. No; I don't believe there are any.

Commissioner WEINSTOCK. Sporting houses in Boston?

Mr. McCABE. No; I don't believe there are any. I am willing to admit that 15 or 16 years ago it was quite an easy thing for anyone; but if this minute it was put up to me to take somebody to a decent sporting house I would be at a loss and have to trust to the taxicab man and would not feel certain——

Commissioner O'CONNELL. I think Boston was one of the first cities to clean out the red-light district.

Commissioner WEINSTOCK. It is a very remarkable thing to have 2,000 Chinamen here and their leading a life of continence.

Mr. McCABE. I don't believe there is any sporting house—regular sporting house, white house—where Chinamen can go.

Commissioner WEINSTOCK. Perhaps the question has already been put to you, but I want to put to you this question: What means, despite the vigilance of your department, can be resorted to successfully on the part of Chinamen to smuggle in their fellows?

Mr. McCABE. I don't get the question.

Commissioner WEINSTOCK. Despite all the vigilance of your department, what methods can be pursued and are pursued to smuggle Chinese into this country at this point?

Mr. McCABE. You speak of New England?

Commissioner WEINSTOCK. Yes.

Mr. McCABE. I am not to consider any other territory?

Commissioner WEINSTOCK. Just this territory.

Mr. McCABE. Just New England?

Commissioner LENNIX. He answered that by saying automobiles and motor boats and fruit boats——

Mr. BUSIEK. And launches.

Commissioner WEINSTOCK. In other words, there are various methods?

Mr. McCABE. Yes, sir.

Commissioner WEINSTOCK. Have you ever made a list, as they did on the Pacific coast, of the different ways in which Chinamen can be smuggled in?

Mr. McCABE. No.

Commissioner WEINSTOCK. I think Mr. Edsall, the assistant commissioner at San Francisco, made a list of some 40 or 50 different ways.

Mr. McCABE. Is that so?

Commissioner WEINSTOCK. Showed that they could be brought in in furniture cars and vegetable cars—

Commissioner O'CONNELL. I think the chief stated here yesterday that one came over in a barrel of beer bottles.

Mr. McCABE. Yes; one did come in on a fruit steamer. He was in the lifeboat and was discovered about 6.45 by the mess-room boy, and the Chinaman himself told how he was placed in a barrel of empty beer bottles half an hour before they had docked, and he was covered over and some empty beer bottles put over him, so that they expected the inspector would probably put his hand in the barrel and feel the beer bottles and let it go at that.

Mr. BUSIEK. What action was taken against the owners of the ship in this instance that had been guilty—

Mr. McCABE. In that particular case we could take absolutely none. You could be there until the angel Gabriel blew his horn and you would get no evidence. The captain would report that it was reported to him by the mess-room boy, and that the man was a stowaway and they discovered him; and you would be hunting after that trying to get somebody to put it on, and, of course, you would know that some member of the crew was in league with the Chinaman in this attempt to smuggle him into the United States, but you could get no evidence. We have delayed ships and lined up the crew, and Chinamen have volunteered to pick them out, and have picked out people, but we couldn't convict them after bringing them to trial.

Commissioner WEINSTOCK. Can a Chinese certificate such as are now in use be successfully counterfeited?

Mr. McCABE. I should think that they could.

Commissioner WEINSTOCK. Do they use the thumb system?

Mr. McCABE. No; but they could not—for instance, we have several different certificates. The present certificate in use by the Immigration Service is what we call a certificate of identity. A Chinaman is admitted to the United States and he is furnished with one of these certificates of identity, which contains his photograph from an untouched negative and a couple of the principal descriptive marks; also his age and where he is destined to. That is signed by the officer. Now, we will assume that Mr. Billings—well, we will say a couple of years from now I come across one which purports to be issued by George B. Billings. Well, it might be such an imitation that at first inspection I would pass it. It could not be successfully passed if compared with the duplicate, because if that was not the man on it and we would compare it with the duplicate in Washington he would be lost. And so I would say with all the certificates that are forgeries.

Mr. BUSIEK. Couldn't some system be devised like a rogues' gallery, that every police department has, where there is a complete record of each man? For instance, a man enters here, and instead of his certificate being filed here or at Washington, had enough duplicates of that thing struck off so that every immigration office in the country could have a duplicate to compare with this man's certificate.

Mr. McCABE. No; I don't believe it could be done.

Mr. BUSIEK. Well, if our census is right—and it shows about 75,000 Chinese in this country—that would not be too voluminous?

Mr. McCABE. I don't know where you are going to get the money. They are fighting to cut the appropriation now. It is now \$2,900,000, and they want to cut that down a couple of hundred thousand; and they always—

Mr. BUSIEK (interrupting). Suppose, on the recommendation of this commission, the Immigration Department would get an appropriation for that specific purpose; would that destroy the effect of forged certificates?

Mr. McCABE. Well, say, you have 75,000 certificates in the office—for instance, headquarters of the New England district; that we would have 75,000 certificates, with the photograph of every Chinaman in New York, and New York the same—

Mr. BUSIEK. You would not have any bigger rogues' gallery than any good police department would have?

Mr. McCABE. I don't believe the police department would have—if I remember correctly the inspector of the Bertillon system of Boston on the stand the other day stated that 12,000 photographs, I think, was all he handled in 12 years.

Commissioner WEINSTOCK. Another question, Mr. McCabe. Congress has asked this commission to find ways and means of stopping smuggling. Now, supposing this commission should, in turn, say to you: "Mr. McCabe, you see how this kind of smuggling can be stopped." What would you suggest? What would be your remedies as the result of your long experience?

Mr. McCABE. Well, I will assume that the courts—that every Chinaman arrested—that the court would have to be satisfied with the right of that Chinaman to remain in the United States in the same manner as the immigration inspector in the field and at the bureau would be satisfied, and in that case the Chinaman would be ordered deported, and this would result in Chinese not caring to smuggle into this country. They would spend all their money to get in, and it would not avail them; would not do any good, in other words. There would be so many deportations that they would not care about taking the chances.

Commissioner LENNON. Let me ask a question right there. In the trial of these cases in the court on which side is the preponderance of evidence required? Do you have to furnish the preponderance of evidence that the man you want deported should be deported or does the man have to convince the court that he is entitled to stay?

Mr. McCABE. The Chinese case is considered a civil case, but the law puts the burden on the Chinaman. In other words, he has to sustain the burden, but the commissioners are ever ready and willing to shift the burden onto the Government.

Commissioner WEINSTOCK. Now, let's see, in point of fact, how far your ideas of the remedy harmonize with the ideas that have been worked out on the Pacific coast. The plan has been submitted and is now under advisement on the part of the commission, as follows: It has been pointed out that if you attempted to check up the Chinamen in America to-day a great many would be found who are legally entitled to be here, but can not prove it, their papers having been destroyed, for example, in the San Francisco fire, where thousands of them lost all that they had. Therefore to check them up now would mean possible injustice to a good many. In order to obviate that possible injustice the suggestion has been made that we wipe the slate clean and that we take it for granted that every Chinaman here has a right legally to be here and furnish him a passport—

Mr. McCABE (interrupting). And he will come forward and get his papers—

Commissioner WEINSTOCK. And he will come forward and get his papers—and give him six months' time. And at the end of the six months' time the Secretary of Labor is authorized to employ a certain number of crews, say not less than 3 nor more than 10, employing men especially trained for that branch of the service—not pick-ups, but selected men who understand the game—and that then these crews devote themselves wholly and solely to traveling throughout the United States perpetually checking up the Chinamen in each community, visiting each community two or more times a year.

Mr. McCABE. And the Chinamen who haven't such a passport will have to be deported.

Commissioner WEINSTOCK. Yes.

Mr. McCABE. Who will deport them?

Commissioner WEINSTOCK. A commission, not the court; of course he has a right to appeal—

Mr. McCABE (interrupting). Yes; and this commission—not the court—you see, for instance, there is lots of evidence that might be able to be considered by a commission as to a man's right to be in the United States that would not be admissible in court. Yes; that method is all right provided there is some method whereby they can cause a man's deportation if he failed to register. But if he comes forward and says, "Why, I did not register—I am not compelled to register"—

Commissioner WEINSTOCK. Well, the privileged classes could not be compelled to register because it would be in violation of treaty rights, and in violation of the Constitution of the United States. If you are a native American and born here they can't compel you to register.

Mr. McCABE. But those would have to go before the commission.

Commissioner WEINSTOCK. Those cases would be exempted; but the theory is that by virtue of the advantages that this passport would give them in this,

that if they wanted to leave the country they would not be subjected to the annoyance and delay that they are now subjected to, if they wanted to return to the country—they would not be subjected to the annoyance and delay and vexations that they are now subjected to, that by virtue of those advantages the privileged classes would voluntarily come forward and register and get passports.

Mr. McCABE. What about the ones who steal in afterwards and say "I was always here."

Commissioner WEINSTOCK. Have the burden of proof rest on them and they would have to show a certificate or prove why they did not get a certificate. Now, let me read that paragraph so it will be made clearer to you [reading]: "That upon the passage of this act the Secretary of Labor shall require the Commissioner General of Immigration to make a registration of all Chinese and persons of Chinese descent now residing in the United States, and to issue to them certificates of residence, irrespective of the time or manner of their entry into the United States."

That is a clean slate, you see.

"It is expressly made the duty of the Secretary of Labor to employ a sufficient number of persons in order to secure the enforcement of the provisions of this act relating to the registration of Chinese and to prosecutions and proceedings under sections 5 and 5½ hereof.

"Except those persons specified in section 5½ hereof, all Chinese and persons of Chinese descent now within the United States, must apply within six months after the passage of this act to the Commissioner General of Immigration, or to whomsoever he may appoint, for a certificate of residence; provided that Chinese and persons of Chinese descent who upon the passage of this act are absent from the United States and legally entitled to return thereto, shall be entitled so to apply and must so apply within one year from the passage of this act.

"Such certificate of residence shall be granted under such regulations as the Secretary of Labor shall prescribe.

"Any Chinese or person of Chinese descent who after six months from the passage of this act is found within the United States without such a certificate of residence shall be deemed to be unlawfully within the United States and shall be arrested by any commissioner of immigration or by his deputies, or by any persons whom the Secretary of Labor may authorize, and at such time and place and by such persons as the Secretary of Labor, the Commissioner General of Immigration, or any commissioner of immigration may designate, shall be given a hearing upon the charge of being unlawfully within the United States. At such stage of the hearing as the person conducting the same may prescribe the person charged may be represented by counsel, and pending a final decision shall be entitled to bail in a reasonable sum, not less than \$500, to be fixed by the Secretary of Labor.

"The burden of proof shall be upon the person so charged affirmatively to establish to the satisfaction of the person conducting the hearing that he was not required by this act to make such application, or that he had been unable to apply for and receive such certificate of residence by reason of accident, sickness, or other just and unavoidable cause. The person conducting the hearing shall find from the evidence whether the person charged is unlawfully within the United States and should be deported, or whether he is entitled to a certificate of residence. The findings and the record on which they are based shall forthwith be reported to the Secretary of Labor, who shall determine whether the person charged is unlawfully within the United States and should be deported, or is entitled to a certificate of residence, and shall render judgment accordingly."

You see, we have kept it out of the courts thus far.

"Copies of the evidence and findings may be made by the person charged, or by any consular officer of China in the district wherein the hearing is had, who shall forthwith be given written notice of such findings. The person charged shall be given such time and opportunity for the presentation of his evidence and arguments as may be just and reasonable.

"If it appear that the person charged had previously secured a certificate of residence which has been lost or destroyed, the proceedings shall be suspended for a reasonable time to enable him to secure a duplicate thereof from the Commissioner General of Immigration, which shall be issued on request."

"Certificate of residence lawfully secured shall be conclusive evidence of the right of the person to whom it was issued to reside in the United States under the term of this act, and to depart therefrom and return thereto as hereinafter provided, unless in proceedings instituted after the issue of such certificate it be made to appear by competent evidence, other than the statements of the holder, that he was or is subject to exclusion or deportation under laws now or hereafter in force upon some other ground or for some other reason than the time or manner of his entry into the United States.

"Every bona fide certificate holder may depart from and return to the United States at pleasure, provided that within 30 days prior to his departure he deposits with the commissioner of immigration, or inspector in charge, at the port of embarkation his certificate of residence, in lieu of which he shall receive a certificate of identity, to be issued in such form and under such regulations as the Secretary of Labor shall prescribe; and upon his return to the port of embarkation he shall be readmitted upon surrender of his certificate of identity, whereupon the certificate of residence shall be returned to him.

"SEC. 5½. Persons born in the United States of Chinese parentage, and all Chinese and persons of Chinese descent who by the Constitution, treaties, or laws of the United States are entitled to enter, be, and remain therein may, if they so elect, apply for in like time and manner and receive and enjoy such certificates of residence: *Provided, however,* That failure to apply for and receive the same, or the receipt thereof, shall not impair any right or privilege of entry or residence of those in this section specified, to which they may be entitled under the Constitution, treaties, or laws of the United States."

In other words, this is compulsory with the laborer and voluntary with the privileged classes. Now, if there is a weak spot in this, point it out?

Mr. McCABE. Now, to go back to the arrest. How does this arrest take place? Assuming this law is passed, and the six months has passed, and I am out on investigation, and I come across—

Commissioner WEINSTOCK (interrupting). You are checking up; you are one of the inspectors whose duty it is to check up these Chinese, and you come to me, and I am a Chinaman, and you call for my certificate, and I say, "No hop got." You immediately put me under arrest—

Mr. McCABE (interrupting). I can arrest you, or have I got to have a warrant?

Commissioner WEINSTOCK. No; you have the immediate power to arrest. You are the arresting officer.

Mr. McCABE. Oh! This is an arresting crew—

Commissioner WEINSTOCK (interrupting). Yes; an ordinary inspector is given that power.

Mr. McCABE. Well, of course that is good. It takes it away from the courts and puts it in the executive department, the right to determine who is lawfully here or has the right to remain here after the expiration of the registration time contemplated. That has been the great difficulty in the enforcement of the present exclusion law, because the Chinese have got to be taken before the courts, who practically have got no sympathy, until it gets to the Supreme Court, with the true theory and object of the exclusion law.

Commissioner WEINSTOCK. I see I have read the original draft of the law. Here is the corrected copy with this clause which makes that clear [reading]:

"The Secretary of Labor shall forthwith employ not less than three nor more than five crews of men who shall be especially detailed and authorized by him to ascertain at least twice each year if there are any Chinese or persons of Chinese descent within the United States who have not secured such certificates of residence, and to secure the enforcement of the provisions of this act relating to registration and to prosecutions and proceedings under sections 5 and 5½ hereof. Each crew shall consist of an inspector, an interpreter, and a stenographer who shall be especially qualified for the purpose."

Mr. McCABE. Does it specify the number of crews?

Commissioner WEINSTOCK. It says not less than three nor more than five. Now, that can be expanded as much as may be necessary. This is only a tentative proposition.

Mr. McCABE. Well, I should say it would be more—

Commissioner WEINSTOCK (interrupting). Mr. Edsall thought that there would be abundant.

Mr. McCABE. Three crews?

Commissioner WEINSTOCK. Yes.

Mr. McCABE. Well, I think it would take a crew—I know it would take——

Commissioner WEINSTOCK (interrupting). You see it says [reading]:

“Any Chinese or person of Chinese descent, who after six months from the passage of this act is found within the United States without such a certificate of residence shall be deemed to be unlawfully within the United States, and shall be arrested by any Commissioner of Immigration, or by his deputy, or by any persons whom the Secretary of Labor may authorize.”

Mr. McCABE. Yes; I see.

Commissioner WEINSTOCK. Have full direct power.

Mr. McCABE. Well, five may do it, but——

Commissioner WEINSTOCK (interrupting). Well, the question as to number is a mere detail?

Mr. McCABE. Yes; a mere matter of administration.

Commissioner WEINSTOCK. The chief point upon the scheme as a whole is whether it is practicable or desirable, or is there a better plan that can be devised? If so, what is it? We want it.

Mr. McCABE. Well, it seems to me as though it is the only practical way to do it, because——

Commissioner WEINSTOCK (interrupting). This plan has exactly your thought in mind in this: To-day a Chinaman is willing to pay the price; he is willing to subject himself to the physical hardships; knowing as he does that once planted in the country he is lost in the shuffle, the likelihood of his being deported is extremely remote. But if in addition to the financial expense and if in addition to the physical hardship there will be somebody after him all the time, and he is liable to be picked up at any moment and to be deported, it ought to have a very powerful restraining influence.

Mr. McCABE. It would because it is sufficient to cut out the go-between, and there is no incentive——

Commissioner WEINSTOCK. (interrupting). Take the profit out of the game.

Mr. McCABE. Yes, sir. For instance, assume that if the courts will deport cases or a large per cent of them that alone would be enough——

Commissioner WEINSTOCK (interrupting). To frighten them off?

Mr. McCABE. Yes, sir.

Commissioner WEINSTOCK. Now, the question is, does this crew whom we can suppose that you have appointed—but, first, under the present system this thing is done by the courts. The courts, I take it, from experience you have found to be very unreliable, and you feel that if this work were done by commissions trained in this particular thing, who had no other interests, better results would follow?

Mr. McCABE. Oh, yes.

Commissioner WEINSTOCK. It would be expedited——

Mr. McCABE. Yes.

Commissioner WEINSTOCK. And it would be more certain. Now, then, this removes that present weakness?

Mr. McCABE. Yes.

Commissioner WEINSTOCK. And, secondly, you have trained men who are in a position to do nothing but this particular work, and who, as Mr. Edsall has pointed out, can go into all these places—can drop into a community and, by their experience and by the underground information which they are able to secure, they would be able to find out the contraband Chinese?

Mr. McCABE. Well, of course, every man would have to have a certificate in that case or be enrolled?

Commissioner O'CONNELL. Now, one question in this connection: Suppose there are about 6,000 to 7,000, and say that one-third of them in the United States are illegally here. As a matter of argument, would a law of this kind, which would give everybody a certificate of eligibility——

Commissioner WEINSTOCK. Or a passport——

Commissioner O'CONNELL (continuing). Would that open up a new line of a large number of Chinamen seeking to bring over their children here?

Commissioner WEINSTOCK. No; that would not change that situation.

Commissioner O'CONNELL. Wouldn't it give us a new line here of Chinese who would be eligible to remain here and entitled to the same privilege?

Commissioner WEINSTOCK. No; he would have to prove he was a merchant.

Mr. McCABE. The same law would be there as to registration and the method of expulsion?

Commissioner O'CONNELL. Wouldn't it be possible for him to go into business as a merchant——

Mr. McCABE (interrupting). Or it would legalize a lot of unlawful persons here, who would then be eligible; yes, it would.

Commissioner O'CONNELL. Yes; and then they would turn around and bring in their children or some other Chinaman's children?

Mr. McCABE. They could try it.

Commissioner O'CONNELL. Wouldn't that open up a new line for a large influx in that direction?

Mr. McCABE. No.

Mr. BUSIEK. Are not the chief frauds now cases of fellows establishing a merchant's status for the purpose of bringing in children?

Mr. McCABE. Yes.

Mr. BUSIEK. And there are 20,000 Chinese that do not dare now to attempt that, because it would mean their attempt to establish such a status and they would be looked up?

Mr. McCABE. Yes, sir; their legal right to be in the United States would be looked up—

Mr. BUSIEK (interrupting). Now, those 20,000 Chinese now quietly living in this country that now fear to attempt to establish such a status, even to bring over their own children, would have nothing to fear in that regard?

Mr. McCABE. No.

Mr. BUSIEK. And they could establish a fraudulent status and bring over their children?

Mr. McCABE. Yes, sir.

Mr. BUSIEK. And in that respect it would open up the gates to a lot of fraud?

Mr. McCABE. Yes. And perhaps you must strengthen the method of proof for the merchant's status. For instance, there is no real fear on the part of any person other than the Chinese testifying that he knows this Chinese person, and from his observation of him he believes that he works in a store, and he describes visiting the store—going down there on a visit two or three times a week and seeing him in there. He does not fear that he is going to suffer any result from it. Whereas if it was before the court he might not care about going in and testifying to that effect if he really did not know it.

Mr. BUSIEK. Is that all, Mr. Weinstock?

Commissioner WEINSTOCK. That is all.

Mr. BUSIEK. Will you send in your interpreter?

Mr. McCABE. Yes; now, let's see, you want the correspondence with the Seattle office in relation to Mrs. Hing?

Mr. BUSIEK. And the letter to the district attorney in regard to the commissioner—designating the commissioner—all that correspondence.

Mr. McCABE. Yes.

TESTIMONY OF MR. SHERE F. MOY.

Mr. BUSIEK. State your name.

Mr. MOY. Shere F. Moy.

Mr. BUSIEK. Shere F. Moy?

Mr. MOY. Yes, sir.

Mr. BUSIEK. How long have you been in the Government service?

Mr. MOY. Since 1902.

Mr. BUSIEK. And you have been stationed at what places?

Mr. MOY. Buffalo, N. Y.—

Mr. BUSIEK (interrupting) When?

Mr. MOY. Since 1902 until 1907 I was transferred to Philadelphia; and then in 1909, about the middle of September, I was transferred to Boston, and have been here ever since.

Mr. BUSIEK. You are the only interpreter at this port, are you not, or for the New England district?

Mr. MOY. Yes, sir.

Mr. BUSIEK. Just explain briefly what your duties are as interpreter.

Mr. MOY. Act as interpreter.

Mr. BUSIEK. You simply interpret the questions put—

Mr. MOY (interrupting). Put by the inspector and from the court and by the questions put by the district attorney if we go to court.

Mr. BUSIEK. How many Chinese would you say there are in the New England district, about?

Mr. MOY. Well, I couldn't say exactly; but approximately I think about between 3,000 and 3,300.

Mr. BUSIEK. And about how many of those are in Boston?

Mr. MOY. In Boston, of course, I never——

Mr. BUSIEK. Just your judgment is what we want?

Mr. MOY. I should judge in Massachusetts about 1,500 or 1,800, in Massachusetts, but I don't know how many in Boston, exactly.

Mr. BUSIEK. Most of them are on Boston?

Mr. MOY. Boston, I guess, about 800 or 900 perhaps; but I am not sure, though.

Mr. BUSIEK. Eight hundred of nine hundred is your judgment of the number in Boston?

Mr. MOY. Yes, sir.

Mr. BUSIEK. Are you a native-born American?

Mr. MOY. No, sir.

Mr. BUSIEK. What is your status? How is it you are admitted? Are you the son of a merchant?

Mr. MOY. Oh, no. I came here before the law was passed. I came here about 39 years ago; but I went back and forth. About 39 years ago I first came to the United States—about 39 or 40 years ago.

Mr. BUSIEK. Some of the gentlemen who have testified before this commission say that they estimate the number of Chinese in this country unlawfully at about 25 per cent to 33 per cent of the Chinese population. How do those figures agree with your ideas on the subject?

Mr. MOY. Well, I don't know; but he has a record. I know only by guess; that is all.

Mr. BUSIEK. Well, what is your guess?

Mr. MOY. Well, I don't think—33 per cent?

Mr. BUSIEK. It has been put as high as that.

Mr. MOY. I am surprised at that.

Mr. BUSIEK. Well, what is your judgment? Nobody has any absolute record, and we are taking people's judgment.

Mr. MOY. I don't know. Well, I can say. Maybe he say it right; I don't know. Of course, I don't know much about it anyway, but I remember the time I lived in Buffalo and when they catch a lot of smuggling there. But after I leave Buffalo I hardly know much about it.

Mr. BUSIEK. How are Chinese smuggled into this country now? What are the various methods? How do they come in?

Mr. MOY. Well, when I stayed in Buffalo——

Mr. BUSIEK (interrupting). Well, how are they doing it now?

Mr. MOY. In Boston?

Mr. BUSIEK. Yes.

Mr. MOY. Well, that is all I know—by stowaway. That is all I know about.

Mr. BUSIEK. You don't think they bring some of them down from Canada in launches and boats and put them off on the Massachusetts shore and the Maine shore?

Mr. MOY. I never heard of that.

Mr. BUSIEK. I never heard of it?

Mr. MOY. I never heard of it.

Mr. BUSIEK. Ever hear of any of them being smuggled across the Canadian border?

Mr. MOY. Well, I heard of them, and through the line, either through automobile or in a freight car; that is all I heard about it.

Mr. BUSIEK. Do you consider it part of your duty to attempt to discover smuggling—that is, of your own accord—or do you simply confine yourself to interpreting?

Mr. MOY. I confine myself to interpreting.

Mr. BUSIEK. If you should hear about a case down there amongst the Chinese with whom you are acquainted, or whom you know——

Mr. MOY (interrupting). If I do that, I report.

Mr. BUSIEK. You report?

Mr. MOY. I report to the official always.

Mr. BUSIEK. That is part of your duties?

Mr. MOY. Yes, sir.

Mr. BUSIEK. Of course, the fact is well known that you are the Government interpreter?

Mr. Moy. Oh, yes; but when you are a Government employee you hardly find out the things unless an outside man find out more about it than the Government employee.

Mr. BUSIEK. Won't these people talk to you?

Mr. Moy. No.

Mr. BUSIEK. Don't you see many strange faces down in Chinatown?

Mr. Moy. Oh, yes; sometimes.

Mr. BUSIEK. Don't you make any investigation as to who these fellows are or where they are from?

Mr. Moy. No; that is not my duty. I don't think that my duty.

Mr. BUSIEK. Whose duty is it?

Mr. Moy. It is the inspector's duty. I only attempt to interpret; that is all. That is my duty. That is what they provide me to do. I go in there and see any stranger—I not go in there and ask where they come from. I don't think that is part of my duty.

Mr. BUSIEK. Then you say it is just your duty to interpret and not to make any investigation yourself?

Mr. Moy. No.

Mr. BUSIEK. That is what I understand by your answer?

Mr. Moy. Yes.

Mr. BUSIEK. Would you incur any personal danger if you were to be active and were to attempt to make these investigations amongst your own race?

Mr. Moy. Well, it would be kind of dangerous for myself.

Mr. BUSIEK. You say it would be?

Mr. Moy. It would be; yes.

Mr. BUSIEK. You, of course, are in a better position than any other man to detect these things because of the fact that you mix with these Chinese. Now, you say you do not consider it part of your duty, and you say, furthermore, you might incur some peril to yourself if you did do that?

Mr. Moy. Yes.

Mr. BUSIEK. Now, is it that you are afraid that you might be shot at or that your life might be taken if you became active?

Mr. Moy. Maybe that; and if I go around among the Chinese, then I get myself in it when they think I look for trouble myself—might be in danger. You see I would not do that unless I would be inspector and they provide for me to do it, I would do it. Of course, if they want me to make investigations sometimes on the quiet—but not open investigation on my part.

Mr. BUSIEK. Well, suppose the inspector should see a strange face at some laundry, and he would say to you, "Moy, I want you to find out about that fellow at that laundry." Does he ever do that?

Mr. Moy. If he asked me I would do it; yes.

Mr. BUSIEK. Well, does he ever instruct you to make such investigation?

Mr. Moy. No.

Mr. BUSIEK. Never has?

Mr. Moy. No; never has.

Mr. BUSIEK. Does he himself go down into this district and make investigations to see whether or not people are down there unlawfully?

Mr. Moy. Not that I know of, unless he gets instructions.

Mr. BUSIEK. Unless he gets instructions, he don't go out on his own hook?

Mr. Moy. No.

Mr. BUSIEK. Does Inspector Sullivan do it?

Mr. Moy. Well, no. Mr. McCabe order either Mr. Sullivan or myself. We take his order.

Mr. BUSIEK. The only time you ever make an inspection in the Chinese—

Mr. Moy (interrupting). Not for myself.

Mr. BUSIEK. When you have got orders to go down there and make an investigation in regard to a particular person?

Mr. Moy. Yes, sir.

Mr. BUSIEK. Do the Chinese inspectors mix in with the Chinese? That is, attempt to get acquainted?

Mr. Moy. Not that I know of.

Mr. BUSIEK. Do they ever go to Chinese restaurants and sit around and watch the people?

Mr. Moy. No. Of course, they might do it secretly, but not I know of.

Mr. BUSIEK. Have you ever seen Inspector McCabe at any Chinese restaurant?

Mr. Moy. No; unless he is with me—go on business, you know.

Mr. BUSIEK. Have you ever eaten with Inspector McCabe at any restaurant?

Mr. MOY. Yes.

Mr. BUSIEK. How often?

Mr. MOY. Oh, well, perhaps I should say—perhaps once or twice a year, maybe.

Mr. BUSIEK. Once or twice a year? What restaurant is that?

Mr. MOY. Oh, sometimes I was with the inspector just once on Beach Street.

Mr. BUSIEK. Do you know Charlie Holske?

Mr. MOY. Yes.

Mr. BUSIEK. Have you ever had any dealings with him?

Mr. MOY. No. Two years ago I bought some rice from him for the house to use, that is all I know about it. I did not deal with him for two or three years. I live in the same number now where his store is.

Commissioner WEINSTOCK. Is he a Chinaman?

Mr. MOY. No. He deals in Chinese laundry supplies.

Mr. BUSIEK. And you live at the same address?

Mr. MOY. Yes.

Mr. BUSIEK. How many Chinese does Holske employ?

Mr. MOY. He had a partner—Chinaman with him.

Mr. BUSIEK. What is his partner's name?

Mr. MOY. Moy On, or O-r-n, I think he spells it, or O-r-n-e; I think that is the way he spells it.

Mr. BUSIEK. And how many people have Holske and Moy On got working for them?

Mr. MOY. I saw two or three employed there.

Mr. BUSIEK. That is sort of headquarters for the Chinese, isn't it—that place?

Mr. MOY. No. They close Sunday.

Mr. BUSIEK. They close Sunday?

Mr. MOY. Yes, sir.

Mr. BUSIEK. Did you do any work on this Cushing Academy matter?

Mr. MOY. I don't know anything about that.

Mr. BUSIEK. You didn't make any investigation of that for McCabe or anybody?

Mr. MOY. No. Well, we did investigate some students; but I don't know where they came from.

Mr. BUSIEK. You don't know where they came from?

Mr. MOY. No, sir.

Mr. BUSIEK. And you don't know where they have gone to?

Mr. MOY. No, sir; of course, I know a number when McCabe and Sullivan with me inquired about it; of course, I don't know if they ever attended that academy or not.

Mr. BUSIEK. Now, Inspector McCabe says he found there were nine of them going to school in this district and working in laundries. Who helped him find those?

Mr. MOY. I did.

Mr. BUSIEK. Do you know where those nine are now?

Mr. MOY. Well, I don't know. But a year ago one or two were attending the Quincy School. It may be they left there. I never trace where they are now.

Mr. BUSIEK. And you say there are only about 900 Chinese in Boston, in your judgment?

Mr. MOY. Yes.

Mr. BUSIEK. You can recognize a Chinamen and remember his face and know him when you see him?

Mr. MOY. Not all, unless I know him long acquaintance.

Mr. BUSIEK. Well, you have been here now for five years?

Mr. MOY. Yes, sir.

Mr. BUSIEK. You ought to know almost every Chinese in Boston?

Mr. MOY. No, sir.

Mr. BUSIEK. You don't know them?

Mr. MOY. No.

Mr. BUSIEK. You know them by sight, don't you?

Mr. MOY. I know them by sight, yes; but I don't know who they are.

Mr. BUSIEK. Well, you know where they work and where they stay?

Mr. MOY. No, sir.

Mr. BUSIEK. Would that be a hard thing for you to do to kind of keep a line on these Chinese?

Mr. MOY. I never did.

Mr. BUSIEK. You couldn't do that?

Mr. MOY. Just like sort of on Sunday we pass by each other; don't know where they are located and who they are, or inquire where they live or anything of the kind. Of course they are strangers to me.

Mr. BUSIEK. I believe that is all.

Commissioner LENNON. I don't care to ask any questions.

Commissioner WEINSTOCK. As I understand it there are about 900 Chinamen in Boston?

Mr. MOY. I should judge about that.

Commissioner WEINSTOCK. Well, can you give us some idea of what occupations they follow? What work they do?

Mr. MOY. Laundry and restaurant is about all I know of and merchant.

Commissioner WEINSTOCK. About how many of them are merchants?

Mr. MOY. About 250, I think.

Commissioner WEINSTOCK. About 250 merchants?

Mr. MOY. Yes.

Commissioner WEINSTOCK. What goods do they deal in? What merchandise do they sell?

Mr. MOY. Well, they have Chinese groceries line and also dry goods and Japanese line and fancy goods.

Commissioner WEINSTOCK. They deal in Chinese goods?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. And their customers are principally Chinese?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. I suppose they do very little business with white people, but do business among themselves?

Mr. MOY. Yes. Well, one place——

Commissioner WEINSTOCK (interrupting). Most Americans deal there just at one place?

Mr. MOY. One place.

Commissioner WEINSTOCK. You say there are 250 merchants?

Mr. MOY. Oh, I don't exactly know; I should imagine there were.

Commissioner WEINSTOCK. Now, does that mean that there are 250 different little shops?

Mr. MOY. Oh, no.

Commissioner WEINSTOCK. About how many Chinese shops would there be—about how many men would be interested in one shop; how many partners?

Mr. MOY. Well, of course I don't know how many partners they have; but in the store acting some about 6; well, from 4 or 6 or 8, or some 10 acting members.

Commissioner WEINSTOCK. I suppose it will average about five?

Mr. MOY. Yes; about five.

Commissioner WEINSTOCK. That would make about 50 different shops?

Mr. MOY. Yes. I don't know how many, exactly.

Commissioner WEINSTOCK. No; but approximately. Now, you say out of that 50, one does business with white people, and the remainder——

Mr. MOY (interrupting). Well, one or two.

Commissioner WEINSTOCK. One or two?

Mr. MOY. Yes, sir.

Commissioner WEINSTOCK. Well, let's figure it liberally. There would be 45 shops doing business with Chinese exclusively, and about 5 shops selling to Chinese and white people?

Mr. MOY. Yes.

Commissioner WEINSTOCK. Now, can 900 Chinamen support 45 shops?

Mr. MOY. Not around Boston only, but even all around New England; and one place they ship goods every other place, too, for wholesale.

Commissioner WEINSTOCK. I see. Well, out of these 45 shops how many of them are wholesale?

Mr. MOY. About two or three.

Commissioner WEINSTOCK. And the rest is retail?

Mr. MOY. And also retail, too.

Commissioner WEINSTOCK. Now, it seems to me if we had a village here with 900 people it would be pretty hard for those 900 people to support 45 stores?

Mr. MOY. Oh, yes.

Commissioner WEINSTOCK. You see, about 900 would be supporting about 250 business men and clerks. That would be about only four customers to one clerk?

Mr. Moy. Yes.

Commissioner WEINSTOCK. They couldn't support him?

Mr. Moy. No; I know—but I don't know how they do it.

Commissioner WEINSTOCK. Isn't there something wrong about our numbers. Perhaps we have underestimated the number of Chinamen here and overestimated the number of shops?

Mr. Moy. Well, you see, you take those places, and they sell around to all New England States, those Chinese, when they send their goods out to a laundry, and even they sell Chinese goods and also laundry supplies, too. They deal in everything.

Commissioner WEINSTOCK. How many Chinese are there in New England?

Mr. Moy. I imagine about 3,300 or more.

Commissioner WEINSTOCK. May be a little over?

Mr. Moy. Yes.

Commissioner WEINSTOCK. You say the Chinese are engaged chiefly in laundry and restaurant work?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Are there many employed in domestic service like cooks and houseworkers?

Mr. Moy. Very few.

Commissioner WEINSTOCK. Very few?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. How many women are there here—Chinese women?

Mr. Moy. I imagine around Boston somewhere around 45 or 50.

Commissioner WEINSTOCK. Forty-five or fifty women?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Are they wives of Chinamen?

Mr. Moy. Yes, sir; all married.

Commissioner WEINSTOCK. Any of them prostitutes?

Mr. Moy. All married women.

Commissioner WEINSTOCK. No Chinese prostitutes?

Mr. Moy. No; not in Massachusetts—not that I know of.

Commissioner WEINSTOCK. Do you know whether Chinese are admitted to the white places of prostitution in Massachusetts? Chinese men—are they permitted to go around to white places of prostitution?

Mr. Moy. I don't know; I believe that. Of course, I have a family here myself; I don't know. I believe they have. Maybe some married white women.

Commissioner WEINSTOCK. You say there are some married white women here?

Mr. Moy. Yes, sir.

Commissioner O'CONNELL. How many Chinese married white women?

Mr. Moy. I don't know; a few; two or three in Chinatown, I believe.

Commissioner WEINSTOCK. You have a Chinese Chamber of Commerce in Boston?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Do you know how large the membership is?

Mr. Moy. I don't know; I never was in there.

Commissioner WEINSTOCK. I suppose that is all the merchants—the society?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Now, do they also have, as they do in San Francisco, what is known as the Six Companies? Are they represented here?

Mr. Moy (partly inaudible). Well, Six Companies—now they are compelled to be public here—at public hall here.

Commissioner WEINSTOCK. And these Six Companies are organized?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. That is a separate organization from the chamber of commerce?

Mr. Moy. Well, the Six Companies in San Francisco, those represent the different districts from China.

Commissioner WEINSTOCK. Different Provinces?

Mr. Moy. No; different district; not Provinces. Most all from Canton Province.

Commissioner WEINSTOCK. So you have two organizations here; you have the chamber of commerce on the one hand and the Six Companies on the other hand?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Now, I want to ask whether the conditions here are the same as at San Francisco. In San Francisco the chamber of commerce is composed of the merchants, good, respectable, decent Chinamen, and the Six Companies is controlled and managed by the Highbinders. I suppose you have your share of Highbinders here, too, just as they have there?

Mr. Moy. Yes.

Commissioner WEINSTOCK. Now, in San Francisco we find that the merchants are looking with disfavor upon the smuggling of Chinese and the Highbinders want the smuggling to go on, because they make money out of it?

Mr. Moy. That is true.

Commissioner WEINSTOCK. And I suppose it is the same situation here—the decent, respectable Chinamen want to obey the law?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. And the Highbinders want to break the law to make money?

Mr. Moy. Most everywhere; yes.

Commissioner WEINSTOCK. About how large is the Highbinder society here; about how many are there in the society known to be Highbinders?

Mr. Moy. Of course I not belong to this secret society. I don't know much about it.

Commissioner WEINSTOCK. You hear the talk, of course, and gossip?

Mr. Moy. Of course I hear the talk.

Commissioner WEINSTOCK. You can form a pretty good idea?

Mr. Moy. Well, the people call that exactly not one standard; but others, I presume, they break up. I am not sure of that. Of course they may be secret somewhere.

Commissioner WEINSTOCK. Have these Highbinders committed any crimes here; that is, murder or shooting or killing as they do sometimes out our way in California?

Mr. Moy. Well, a few years ago.

Commissioner WEINSTOCK. But not recently?

Mr. Moy. But not recently. I guess there was one murder last year—last winter.

Commissioner WEINSTOCK. Among the merchant Chinese?

Mr. Moy. Yes, sir.

Mr. BUSIEK. Was that what they call a hatchet murder?

Mr. Moy. I don't know, because they never catch the murderer. I don't know who killed him.

Commissioner WEINSTOCK. Did they use a hatchet?

Mr. Moy. No; shot. Gun. One Chinaman got killed; I think it was a year ago last winter.

Commissioner WEINSTOCK. Well, you have been in the Government service how long?

Mr. Moy. Since 1902.

Commissioner WEINSTOCK. That is 12 years?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. You have been around in different places?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. And you have had opportunities for getting experience?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. And making observations that a great many others have not had?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. I suppose you know the duties that Congress has put upon this commission, do you not?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Congress has said to this commission, We want you to find out some way of stopping the smuggling of Chinese, and that is what we are trying to do. We are trying to find out some way to stop the smuggling of Chinese. Now, supposing this commission in turn said to you, "What is your way of stopping it? How would you stop the smuggling?" What would you tell them?

Mr. Moy. That is all I thinking about ; all what I said, convict those smugglers.
Commissioner WEINSTOCK. Convict the smugglers?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Well, isn't it a good deal better to prevent it than to try to cure it?

Mr. Moy. Yes.

Commissioner WEINSTOCK. Isn't it a good deal better to take away temptation from a man so that he won't steal rather than to punish him after he does steal? Now, how would you take away the chance for smuggling? Of course we know that the smuggling is done very largely by white men?

Mr. Moy. Yes, mostly.

Commissioner WEINSTOCK. Who employ Chinamen to act as lieutenants?

Mr. Moy. Well they have Chinamen to be agent for them, and they come around and tempt the Chinamen to do it.

Commissioner WEINSTOCK. Yes, we know that. We know that the white men always take the first step.

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. And use the Chinaman as a tool?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Now, the white man does that because there is a profit in it. He makes money in it. Now if we can cut away his chances for making money he will drop out of the business.

Mr. Moy. Of course.

Commissioner WEINSTOCK. He won't stay in it for fun?

Mr. Moy. No.

Commissioner WEINSTOCK. How would you cut away his profit and make it unprofitable for that white man to engage in smuggling?

Mr. Moy. Well the white man—I don't know any agent in this place around for the Chinese part, but the white man, suppose he went to Canada to some agent there. The Chinaman over there might be have some friends over here, men that ask the friend in the United States to see if they can't put up the money or put up the bond and money for the Chinaman over in Canada, so that the white men bring those Chinamen over; and then the white man go back either to Montreal—

Commissioner WEINSTOCK. Well, we understand that part of it. We know that the white man acts through his Chinese agents; that we know.

Mr. Moy. Yes.

Commissioner WEINSTOCK. But what we want you to tell us from your experience is how to make it impossible for that white man to do that, how to take away the chance?

Mr. Moy. I don't know unless you can catch him and put him in jail; that is all.

Commissioner WEINSTOCK. Now isn't it true that this is what happened: I am the Chinese agent for this white man over here and you are the Chinaman in Canada and I come to you and I say "Would you like to go to the United States," and you say "Yes, very much." "All right. For so much money, \$100 or \$200 I can take you over." And you say "Well, now isn't it pretty risky? Won't I get into trouble?" and I say "Well, of course there is some risk, but there is very small risk. If you once get into the United States you are safe because there is not one chance in a hundred you will get caught or sent out. There is some little risk in crossing and getting over. But after you are once over there you are safe." Of course that would make it a great temptation for you to come if you wanted to get here.

Mr. Moy. Yes.

Commissioner WEINSTOCK. All right. But supposing this was the fact, that I, as the Chinese agent of this white man, come to you and say, "I can get you over into the United States if you pay a certain amount of money," and you would say "Ah, but after I get over there I am not safe. I am liable to deportation any moment. They will follow me up from city to city until they locate me," and I would have to admit that was true. Would you care to take that chance?

Mr. Moy. I suppose they would care as long as they could get over here.

Commissioner WEINSTOCK. Yes; but if you knew after you got over here you would be liable to be deported any moment?

Mr. Moy. Well, they would take the chance at it I suppose; they would take a chance.

Commissioner WEINSTOCK. Now they don't take any chance, but the other way they would take a chance of losing their money.

Mr. Moy. Losing their money and also going back besides.

Commissioner WEINSTOCK. Then what?

Mr. Moy. That is the end. They can't get the money back.

Commissioner WEINSTOCK. Let me ask you this question: It has been suggested that the laws be changed so that the profit will be taken out of the smuggling game?

Mr. Moy. That is the only way to stop it.

Commissioner WEINSTOCK. And with that end in view this plan is now before us. We know then if we were to check up all the Chinamen in the United States to-day we would find a good many——

Mr. Moy (interrupting). Oh, yes.

Commissioner WEINSTOCK (continuing). We would find a good many who have a right to be here, but who have no papers—papers have been burned up, it may be, in the fire in San Francisco, but they could not prove they have a legal right to be here, and so we might send away a good many that have a right to remain. Now, it is not the desire of the United States Government to do anybody an injustice—to do anyone a wrong. So it has been suggested that we reregister all the Chinese in this country, and forget how they came here, and wipe off the slate; give any man a certificate, no matter how he came and no matter whether he stole into the country or was smuggled into the country or came here legally, and start out a new page—clean. Give the Chinese six months time to get their papers; at the end of the six months we start up to check all Chinese throughout the country——

Mr. Moy. That is a good plan.

Commissioner WEINSTOCK. And if they can not show their certificate——

Mr. Moy (interrupting). Then you can deport them.

Commissioner WEINSTOCK. Then they can go.

Mr. Moy. Yes.

Commissioner WEINSTOCK. Do that all the time, not only once, but have crews travel and, say, visit each city every six months, or twice in a year, and check up the new faces, and make them prove how they came to be here. Now, would that not be considered, and if a Chinaman in Canada found he was going to be checked up, and followed from city to city, he would not be so willing to come as he is now?

Mr. Moy. He would be afraid to come then.

Commissioner WEINSTOCK. You think that would frighten them off?

Mr. Moy. That is a fact.

Commissioner WEINSTOCK. What?

Mr. Moy. Yes.

Commissioner WEINSTOCK. Do you know any better plan than that?

Mr. Moy. Nothing better than that.

Commissioner WEINSTOCK. Do you know of any reason why that plan would not work out?

Mr. Moy. I don't know. I don't know of any reason why they don't work that out.

Commissioner WEINSTOCK. Well, now, I want to ask you another question. Supposing this law said the laborers must register, the merchants and the citizens need not register and the natives—those born here. They can if they wish, but the law will not compel them to. It will compel the laborer. And supposing that you were a merchant or a student and were a member of the privileged class, and you knew that you did not have to register if you did not want to——

Mr. Moy (interrupting). I never did register myself.

Commissioner WEINSTOCK. But that if you did register you will get this benefit, that if you wanted to go to China to-morrow, or wanted to go to England to-morrow, you could go without any trouble, and would not have to be detained and examined and go through the whole machinery——

Mr. Moy. Examined here before I leave?

Commissioner WEINSTOCK. Not under this new law, with a certificate. If you have the certificate you can go out.

Mr. Moy. Oh, already?

Commissioner WEINSTOCK. And when you want to come back there will be no delay. You don't have to be examined, and don't have to be put in a house of detention, maybe for a week or two weeks, but just as soon as you show

your certificate you come right in. Now, do you think that by virtue of enjoying that advantage you would hesitate to register, if you belonged to the privileged class?

Mr. Moy. I guess they would; I guess they would be glad to, I think. I think they would be glad to.

Commissioner WEINSTOCK. The advantage of this paper would be worth the trouble?

Mr. Moy. There was trouble a few years ago when Commissioner John Sargent asked some of the inspectors what is best for labor departure here. Well, I told some inspector the best thing, cut out that \$1,000 debt. You see I know they are lying, and the inspector know they are lying, because that is \$1,000—people owing \$1,000 before he can come back here, but a man in here——

Commissioner WEINSTOCK (interrupting). Now, let us see. I want to make that straight for the record. You mean that under the present law no man can go to China unless he can first prove that he is a merchant——

Mr. Moy. No; the laborer.

Commissioner WEINSTOCK. Oh, the laborer?

Mr. Moy. Yes.

Commissioner WEINSTOCK. He must prove that he has \$1,000 debts—that is, you mean that somebody owes him \$1,000?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. In order that he may have a pretext to come back?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. If nobody owes him anything he can go but he can not come back?

Mr. Moy. He can not come back.

Commissioner WEINSTOCK. Now, your criticism was that that was a bad law?

Mr. Moy. That was bad.

Commissioner WEINSTOCK. Why?

Mr. Moy. Because either I come to this country in one year, perhaps, then I get some trouble in my own home in my country, and maybe they want me to come right back to China, and then I make the \$1,000 debt—lend it to somebody before I can go, and only some kind friend step forward helping each other and say, "Yes; I owe you \$1,000."

Commissioner WEINSTOCK. In other words, you say that under the present law one Chinaman will perjure himself for another Chinaman and claim that the Chinaman about to depart owes him \$1,000, when, as a matter of fact, he does not owe him \$1,000. That is it, is it?

Mr. Moy. Yes, sir.

Commissioner WEINSTOCK. Now, you think the law is bad because it encourages perjury?

Mr. Moy. Makes him——

Commissioner WEINSTOCK (interrupting). And false swearing?

Mr. Moy. Yes; well—of course, maybe, we can not prove—the Government can not prove they swear falsely when the man say I do owe him, and I am the interpreter, and you as inspector—you ask about it. Then you can not prove that man did not owe him. So you can not prove and you let him go, just the same. Well, of course, a merchant—want two white witnesses to prove they are merchants, acting in the store. That is perjury, too.

Commissioner WEINSTOCK. Yes. Now tell me, if we had all the Boston Chinamen in this room and we would explain this proposed new law to them—"First, all you laboring men must register. You merchants can register if you like. At the end of six months any laboring man found here without a certificate will be sent away." How do you think they would feel about it?

Mr. Moy. I think those in the country—they are willing to do it. Of course, I do not know—they might—they may at a meeting talk it over before going to do it, of course. I do not know what those merchants are going to do, and do just the same in San Francisco, and they do it all over the United States before they are compelled to do it, and they say, "Yes. All right." And maybe they argue. Of course, I do not know what they are going to do.

Commissioner WEINSTOCK. That is all, Mr. Busiek.

Mr. BUSIEK. That is all with this witness.

Commissioner WEINSTOCK. That is all, then, Mr. Interpreter.

We will adjourn until 9.30 in the morning.

(Thereupon, at 5 o'clock p. m., an adjournment was had until the following morning, Wednesday, July 8, 1914, at 9.30 o'clock a. m.)

BOSTON, MASS., *Wednesday, July 8, 1914—9.30 a. m.*

Present: Commissioners Weinstock (acting chairman), Lennon, and O'Connell.

Acting Chairman WEINSTOCK. The commission will be in order.

Mr. BUSIEK. Mr. Sullivan is here. Just take the stand, Mr. Sullivan.

TESTIMONY OF MR. E. MARK SULLIVAN.

Mr. BUSIEK. State your name?

Mr. SULLIVAN. E. Mark Sullivan.

Mr. BUSIEK. What is your occupation, Mr. Sullivan?

Mr. SULLIVAN. Attorney at law.

Mr. BUSIEK. What official position have you held recently?

Mr. SULLIVAN. Assistant United States attorney for the district of Massachusetts.

Mr. BUSIEK. How long ago was that?

Mr. SULLIVAN. I resigned as of October 31, 1913.

Mr. BUSIEK. Have you any client now that is interested in the Chinese situation in Massachusetts?

Mr. SULLIVAN. Yes; I am representing a committee composed of members of the Massachusetts Laundrymen's Association.

Commissioner LENNON. Is that a Chinese association?

Mr. SULLIVAN. No, sir; that is a Caucasian association.

Mr. BUSIEK. And what is their interest in the Chinese situation?

Mr. SULLIVAN. They are concerned with the competition in their line of business as afforded them by the Chinese laundrymen of Massachusetts.

Mr. BUSIEK. What does this competition amount to?

Mr. SULLIVAN. Well, by way of example, I can say that it is estimated that the Chinese laundries of Boston are doing about from \$40,000 to \$50,000 worth of work a week.

Commissioner O'CONNELL. Forty thousand dollars to fifty thousand dollars worth of work a week?

Mr. SULLIVAN. Yes, sir.

Commissioner LENNON. Have you made some fairly reasonable investigations to reach that conclusion?

Mr. SULLIVAN. I have not; no, sir.

Commissioner LENNON. But someone has?

Mr. SULLIVAN. Yes.

Commissioner LENNON. I did not mean that you have.

Mr. SULLIVAN. Yes. I understand so.

Mr. BUSIEK. What investigation has been made under your direction of the Chinese situation?

Mr. SULLIVAN. This association employed William J. Burns International Detective Agency for the purpose of making an investigation as to the sources of smuggling and the amount of smuggling and the number of Chinamen here unlawfully. They were left very much to their own devices—I am sorry to say, because of the point of expense. So what they did they did very well. They had men along various points of the Canadian border and at New York and Vermont, and they also had men down in Chinatown in Boston. We also had investigators at Worcester and at Springfield.

The investigations along the Canadian border seemed to indicate at the time the investigation was made a suspension of smuggling, which was explained in part by this one reason that it was in the late winter and early spring when we had this investigation made, which seems not to be the time of year when the Chinamen are traveling. But we did find that there were persons at Montreal and at Rouses Point who had been making a business of smuggling in Chinamen, various means being employed. For instance, they would conceal them in freight cars or on flat cars under the lumber; or sometimes they would conceal them on boats and take them down the lake—down Lake Champlain. And they had various devices for bringing them in. But at the time we made this investigation at the Canadian border we were satisfied we were too early in our work. Then, we had men in Chinatown. We had one man named Curley who spent a good deal of time in Chinatown under the pretext that he was simply a good fellow who had a penchant for Chinese manners and Chinese customs. He was very hospitably received and quite generally received in Chinatown.

Mr. BUSIEK. Who is that, Mr. Sullivan?

Mr. SULLIVAN. This Curley? He was employed by the Burns Detective Agency as one of the investigators and we hope to have him here later. I have his reports with me, but I don't suppose you care to go over them, showing that the methods used in Chinatown or by the men in Chinatown for smuggling—

Mr. BUSIEK (interrupting). Tell us about those, please.

Mr. SULLIVAN. Well, roughly—nothing new, of course, to you men, but they are brought in by boats—principally the smaller boats landing at the port of Boston—brought in from Jamaica and those other islands off the coast here. Then they are brought in now principally by way of Maine, and some are coming by way of Buffalo. Those men, we find, are required to pay anywhere from \$300 to \$500, \$600, and even \$1,000 for being brought in. Then after they are brought in, the next thing is to get a certificate to show their right to remain here, and those certificates are sold down in Chinatown at something like \$100, \$150, and \$200 a piece. Now, the name Brown was used quite frequently in that connection, and he was spoken of as the State's attorney of Vermont, as a man who sold certificates to certain Chinamen down in Boston Chinatown who later offered them for sale to Chinamen. I have never seen one of those certificates, and it is possible from our investigation that they are not legally issued—that they may be corruptly and without conscience issued. For instance, a United States commissioner some years ago, or up to some few years ago, had no authority under the law to issue a certificate; but he, having heard a case, would issue what amounted to a certificate, which might be in the nature of a certified copy of his record showing that that Chinaman by such a name was brought before him and given a hearing and discharged as one lawfully in the United States. Well, at any time subsequent to that that commissioner would readily issue a duplicate of that certificate; and so that thing has gone on, and duplicates have been issued and issued in great number, and there is no way of verifying them. There have been instances later where the photograph record of the subject investigated was retained by the commissioner, who at the issuance of the certificate attached the picture thereto. Well, I suppose if you wanted a certified copy of that now you would get it without the picture, and put your own picture on it. So those things are all marketed down here in Chinatown.

Acting Chairman WEINSTOCK. Are you speaking now of present conditions?

Mr. SULLIVAN. Oh, yes.

Acting Chairman WEINSTOCK. Existing conditions?

Mr. SULLIVAN. Oh, yes; these things I have discussed with Mr. Larned.

Commissioner LENNON. That is Mr. Larned at Washington?

Mr. SULLIVAN. Yes; I have discussed this situation with Mr. Larned at Washington. Let me confine myself, however, to Curley's reports; but if he is here he can probably do a good deal better than I can do. His intimate association with some of those people in Chinatown gave him proper opportunity for obtaining from them statements regarding their residence in the United States; and who have records of all those and his reports. Those men have the names and we had what we thought was sufficient evidence to bring in and cause to be ordered to be deported about 18 or 20 Chinamen in Chinatown from whom he had sufficient admissions to warrant their being ordered deported on the ground that they were not here lawfully; and he had corroborating evidence. He was accompanied on nearly all of these occasions when these admissions were made by one other investigator. They were very cordially received, and when we were terminating their employment in Chinatown it became necessary to get rid of these fellows without creating any suspicion. So one fellow who was with Curley announced that he had to go to New York on business and would not be back for several months. So he was given a farewell party—

Acting Chairman WEINSTOCK (interrupting). On what ground were they able—

Mr. SULLIVAN (interrupting). Well, they were simply good fellows around Chinatown, who had a penchant for Chinese customs and the manners, and liked to frequent and habituate Chinese restaurants, so that they even went back into the cooking room of the restaurants and there found working in the various restaurants a number of Chinese boys. Some would say that they went to school, and, in most instances, they observed that the boys never went to school. He was always there. They frequented Chinese laundries. The thing went so far that some of the Chinamen here made arrangements with them—that is, to the extent of making terms with them for bringing in China-

men from Jamaica—and said if that venture was successful they had about 20 or 30 more Chinamen on the Mexican border who were anxious to come in. Of course, these records all show the names of these people who are interested in this work, and especially interested in this and particularly in negotiating with these men to do that work; and I should be glad, if you men want, to leave with you Curley's reports to me.

Mr. BUSIEK. We would like that very much, Mr. Sullivan, and we will make copies and return them.

Mr. SULLIVAN. If you will return them. I have all these records here——

(A considerable number of documents were here turned over to Mr. Busiek by Mr. Sullivan.)

Commissioner LENNON. I would like to ask one question there before going further. Did your association make any effort to verify as to the character of this Mr. Curley? You know there are all kinds of men in the detective business.

Mr. SULLIVAN. No, sir.

Commissioner LENNON (interrupting). Or did his work verify itself?

Mr. SULLIVAN. We felt satisfied with Curley to a degree that we never accorded to some of the other investigators. I met him frequently, and I know something of this Chinese business——

Commissioner LENNON (interrupting). You are convinced he was not just making a report favorable to your side in order to hold his job?

Mr. SULLIVAN. No; I feel quite convinced of that because his reports seem very modest, and there are times when there were things missing which he might easily have supplied to our great satisfaction, and he frankly admitted that he could not.

Acting Chairman WEINSTOCK. Now, as I understand it, the laundry association employed you?

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. And you employed the Burns Detective Agency?

Mr. SULLIVAN. No; they employed the Burns Detective Agency direct.

Acting Chairman WEINSTOCK. Direct?

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. And the Burns agency then detailed Mr. Curley to make this investigation?

Mr. SULLIVAN. Oh, they detailed—they must have had altogether, probably 15 different operators at different times. For instance, they had different operators who shadowed Sullivan of the Immigration Bureau. They had operators shadow McCabe; they had operators who talked with these men on different pretexts; they had operators to shadow Daley, who was known as Capt. Daley, and who was arrested and convicted of Chinese smuggling; we had operators shadow Lennon; we had operators shadow Goodman Phillips; we had operators who talked with those men under various pretexts, and who boarded in the same house with Goodman Phillips; his family was said to be in California; and we followed them through the Burns's agency in San Francisco, Cal.; but we later, however, located Goodman Phillips himself in Boston. We could not discover what his business was here. He was boarding in a house kept by a German woman, I think, on Legrand Street—that is down back of the Hotel Touraine—and we couldn't seem to find out what his business was here. He was very careful, of course. He had been caught so many times by investigators that it is very difficult to get him to talk. We had a man boarding there in the house with him. So, after a while we discontinued our investigation on him, because it was not leading to anything excepting expense. So that some of our investigators did not return us anything; and then there were investigators along the Canadian border—some men who simply went up there and returned a bill of expense. For instance, one man was up there and was drunk a week and said he broke his arm. And then we got reports all in one day—simulated reports. I have tried to mark these, for instance, and indexed these under McCabe, and McCabe's rope; and McCabe's rope means that an operator conversed with him on some pretext or other, for instance, one went in and was anxious to get help for a sardine factory in Maine, but without any success; and so there I use the word "rope." That means conversed with him under some pretext and shadowed him. And we shadowed Chin Kay Soo, and also had men "roping" Chin Kay Soo. He is one of the big men in Chinatown, is interested in a number of restaurants in Boston, and a man who also has a large wet-wash laundry.

Acting Chairman WEINSTOCK. After you shadow these people some time don't they get suspicious, and after they get suspicious isn't it very difficult to shadow them?

Mr. SULLIVAN. Why, yes. For instance, we feel quite convinced that Phillips suspected that the operator we had boarding in the house with him was there to rope him. We feel quite convinced that Sullivan was aware that he was being followed one day, and that he became aware of that up here in this department store of Houghton & Dutton; and since then I have learned through McCabe and Sullivan—I have told these men that they were shadowed. I will tell you why presently, because I was talking to Sullivan and he thought he was shadowed, and only here the other day he said to me, "Sullivan, your men are still shadowing McCabe and myself." I said, "No; we are not." He says, "I know we are being shadowed." I says, "Certainly not by our people or with my knowledge." And he went on to tell me why he thought they were being shadowed—that an officer told McCabe, for instance, that there was a man who had been hanging about in the vicinity of his house for a good many days, and the officer asked him what he was doing there and he excused his presence on the ground that he was doing detective work; and Sullivan says that he—they test themselves, of course, from time to time to see if they are being shadowed.

Now, these reports I will let you have, but I will ask you to return them. For instance, we had operators at Montreal; St. Albans, Vt.; Newport, Vt.; and Rouses Point, Vt. That is along the Canadian border. And we had them also at Springfield and Worcester. A little while ago I said that Curley's investigation led him into close association with a number of Chinamen down in Chinatown and particularly with some who were anxious to make an importation of Chinese from Jamaica and Mexico, and among those prominently mentioned were Charley Joe and Will Joe Yung. All those are mentioned with great detail in those reports, and I am going to leave those with you.

Now, I was going to say—well, it escapes me. I may return to it in some natural order of suggestion later. It will come back to me again, but I will tell you now what later we did.

I told my clients after receiving the evidence we had regarding certain Chinamen in Chinatown in Boston as reported to us by Curley, that I felt that the evidence was sufficient to justify an order of deportation in each of those cases, that it would not be sufficient before Commissioner Hayes, of Boston. Now, in Boston we have four United States commissioners—Commissioner Hayes, Commissioner Darling, who is the clerk of the United States district court, and Commissioner Hale, and Commissioner Grinnell. Hale and Grinnell are partners in a law firm. But it is understood that these commissioners are not to sit except in the absence or vacation of Commissioner Hayes.

Mr. BUSIEK. With whom is that understanding had?

Mr. SULLIVAN. That understanding is had amongst those commissioners and the judge of the district court.

Mr. BUSIEK. The judge appointing the commissioners?

Mr. SULLIVAN. The judge appointing the commissioners.

Acting Chairman WEINSTOCK. What are the powers of the commissioner?

Mr. SULLIVAN. The powers in general of a United States commissioner are these: On proper evidence he may issue a warrant for the arrest of the person complained of on proper complaint. He may arraign prisoners brought before him on original complaints, whether it be on original complaints from this district, or upon complaints taken out in this district for the arrest of fugitives—

Mr. BUSIEK. Mr. Weinstock had reference merely to Chinese matters.

Mr. SULLIVAN. Oh, Chinese? This is the one instance where the commissioner has what we call original and final jurisdiction. The commissioner in all other matters simply hears cases on the question of probable cause, to bind over. I don't know how many of you are lawyers—

Acting Chairman WEINSTOCK. To be held for the court?

Mr. SULLIVAN. Yes, sir.

Commissioner LENNON. We are all pretty familiar with legal matters.

Mr. SULLIVAN. You are? Very well. This is one case where he has final jurisdiction. Under the statute jurisdiction over these matters is in the district court; but it is shared also concurrently by the United States commissioner, and the statute provides that the Chinaman may appeal from the decision of the commissioner to the United States judge—to the judge of the United States court—but it says nothing about the appeal of the United States

itself in such cases. Now, if you want me to I will discuss that question with reference to a particular instance I have in mind, as I am convinced that the men at Washington are not anxious to enforce this law, and I will tell you why.

I was over in that office as assistant United States attorney for nearly seven years and had seen this law work and had become quite interested in it. There it was discovered that there was a Chinaman here in Boston——

Acting Chairman WEINSTOCK. You say you think they are not anxious to enforce the Chinese exclusion act?

Mr. SULLIVAN. I do think so. I don't think they are making an honest, virile effort to enforce the Chinese exclusion law. I say that because they are wasting so much time chasing phantoms that do not exist—that have been erroneously termed as white slavery. There is no such thing to my mind. Now this is the case I have in my mind:

McCabe had come before him, I believe, a Chinaman who was seeking a certificate for a return. He was about to go abroad and his examination led him to believe that this man was not telling the entire truth, and a further investigation convinced him and convinced me that this Chinaman was here in Boston and pretended to be a member of a firm of Chinese merchants, but was one of two or three Chinamen who escaped at Providence from the United States marshal for the northern district of New York, and that escape was effected, I believe about seven or eight years ago. We had before us the original warrant of deportation with the Chinaman's picture on it, and we had the picture of the Chinaman taken at a later date, and they were exact likenesses excepting for the natural differences that would arise in the term of seven or eight years in the life of a young man then in his twenties and approaching his thirties. I said to McCabe at that time, "I would not arrest this man on an original complaint; I would grab him on this warrant, which is still in force, because the minute you arrest him on an original complaint they are going to take him before Commissioner Hayes and you are going to try this case all over and you haven't got any evidence excepting this picture practically to present to Commissioner Hayes and such other evidence as you can get from him on cross-examination, and you haven't much of a chance to succeed. My advice to you, therefore, is to grab him on this original warrant of arrest and deportation on the presumption that his case has been tried and heard. Then he will take out a writ of habeas corpus which will bring him before the court for trial and we can introduce this warrant of deportation." I think McCabe was very sincere, but the orders from his department in Washington were that we should proceed by original complaint——

Mr. BUSIEK (interrupting). The original complaint?

Mr. SULLIVAN. A new complaint. We took him before Commissioner Hayes and of course he told the usual story. He was born in San Francisco, and men came forward to say that they knew his parents, and so forth; and there also was brought forward an American woman who taught a Sunday school at Marlboro, Mass., where he had worked; and her evidence was all right and to my mind very satisfactory back about six or seven years' just about to the time this fellow escaped. She attempted to testify to his presence there for a number of years previous to that, but on cross-examination did not hold; and her only reason for saying that he was there at that time was that he remembered when her mother died, and her mother died about 14 years ago, so that is why she said she knew him away back there, because he said he remembered her mother. Well, the result was, however, that though you men, I believe, would be satisfied that he had not sustained the burden which the law places upon him of proving to the satisfaction of the ordinary commissioner that he was here of right, Commissioner Hayes ruled that he was here of right and that he was lawfully in the United States; and that was wholly on his evidence that he was born in the United States. Well, thereupon the Chinese Bureau of the Bureau of Immigration decided that they would arrest this man on the original warrant and deportation. I said "Don't do that because it will amount to nothing. The minute you arrest him on that warrant he will sue out his writ of habeas corpus, he will go before the court and he will say to the court, here is a certified copy of the record of the commissioner who has heard my case in the court of the Government's own choosing. Why go back to a previous finding which is in dispute as to my identity when here is a court of your own choosing that has decided I have a right to remain in, and that would be final." I said, "Now what I suggest that you do is this, that you take an appeal from the commissioner to the circuit court of appeals

on points of law and on the general findings such as you do in admiralty cases and such as you do under the general practice act in any case where the Government is a party. Though the law does not provide specifically for the Government's appeal, yet the general practice act operates here. It provides that a Chinaman has a right to appeal from the commissioner to the United States judge, and of course the general practice act would give him all the benefits of an appeal to the circuit court of appeals of the United States." They declined to do that and said I didn't know what I was talking about. And I took it up with Judge Martin and he said "Why, certainly. The commissioner, under this act is sitting as an arm of the court—in such matters he is sitting as the court and your appeal would be according to the general practice act from him to the circuit court of appeals.

They did not do that. They went on and bagged him as they had determined under the original warrant. Whereupon he sued out a writ of habeas corpus and the matter is still pending, and I know Judge Martin's mind is that he has got to discharge him when he comes before him, when the issue is raised; but the matter is still pending and the man is out on bail.

Now, I said to my people early in my employment that it would be useless to go on with these cases such as Mr. Curley had reported, before Commissioner Hayes. He does not give to evidence in these cases the values that the ordinary man would put upon it. He goes so far afield in his findings that almost at first I was inclined to believe that the man was corrupt, that he was venal; but I can not say—because he is rather an excellent gentleman—Mr. Hayes, ordinarily I would say, is a good lawyer and a scholarly man, somewhat academic. He has learned. You have seen those men with academic faces; they are not really learned, but polished men; a man of some small practice, but which was made up of some matters of considerable trust showing that people have confidence in him. But I think his error in these matters spring from an inordinate benevolence for the Chinaman.

Commissioner O'CONNELL. How long has he sat as commissioner?

Mr. SULLIVAN. I think he has been commissioner down there now for about six or seven years. I think about the time I went in there he was appointed as commissioner. I do not remember any other commissioner sitting regularly there but Commissioner Hayes. So I know, too, that McCabe has had his difficulties with Hayes, and my clients suspected McCabe. A number of people suspected him. H. B. French, the United States attorney, did not like him. Commissioner Hayes disliked him. The Chinamen condemn him. So I have come to the conclusion that McCabe was really trying to do his work with the instruments he had at hand, but that Commissioner Hayes blocked him. I am sure of that. I have tried the cases before Hayes. That, however, does not excuse McCabe's inactivity in the other parts of the State where he is not confronted by such an embarrassment as he has at Boston; because we have commissioners at Pittsfield and Springfield and Worcester and New Bedford, who, I believe, are not burdened with any such penchant for Chinamen as Commissioner Hayes, of Boston. I know he has urged his bureau to force the United States attorney at Boston to appoint some other commissioner here in Boston to hear these cases, and with that among other things in mind we went to Washington, I and some of my clients, I think early in May, and one of the results of our interview with Mr. Larned and Mr. Caminetti, very incidentally, was that Larned wrote a very strong letter to the Attorney General, demanding that French be ordered to appoint some other commissioner at Boston to hear these cases.

All that the Attorney General did at that time was to forward to Mr. French a copy of the letter received from the Department of Labor, together with a letter of transmittal instructing Mr. French to investigate the situation and report to him. Later some of my clients went to Washington again—I did not accompany them at that time; could not—and then about the 25th of June I was on at Washington again with my clients and this time I called to see Assistant Attorney General Wallace, and he said he had not yet heard from his former letter to French, which letter was written about a month before. And thereupon he wrote rather a strong letter to Mr. French demanding the report. However, the very day we were in Washington I guess Mr. French was writing his answer to the Attorney General's letter, so that the two letters crossed. So I received a letter from Mr. French. If you gentlemen want, I will read to you therefrom. I wrote a letter to Mr. French under date of June 5, if you would care to hear it—

Mr. BUSIEK. Just read it.

Mr. SULLIVAN. By the way, before I wrote this letter Mr. McCabe had been called in by French on this matter of appointing another commissioner. This was in consequence, I believe, of the letter he received from the Attorney General. He called in McCabe and called in his other assistants, and during that interview my name was mentioned in connection with some cases that had been tried; and he appointed another day and asked that I should come in and see him. Of course, when I came in to see him, I told him that I had a special interest in this matter; that I was representing the Massachusetts Laundrymen's Association. I remember that day I went in there in consequence of his invitation he and Mr. McCabe were having a very hot discussion, and McCabe was very urgent in his point, which was that another commissioner should be appointed, and I had an interview on the following day with Mr. French; and not having heard anything in this matter from Mr. French nor having heard there were any developments, I thought, perhaps, I could start something if I could find a proper excuse for writing a letter concerning departmental matters to Mr. French. So I wrote a letter on June 5 which was of the tenor following—I do not know as you want to take this all down; if you do, you can [reading]:

"Hon. HENRY B. FRENCH,
 "45 Milk Street, Boston, Mass.

"MY DEAR MR. FRENCH: Since our meeting I fear I have not made clear to you the situation that is the probable cause for Mr. McCabe's almost insistence Tuesday evening in his interview with you.

"The Massachusetts Laundrymen's Association some time ago commenced a general investigation of the Chinese situation in this State"—

I don't think I want to encumber your record with all this and take up all your time, but I told him what they had done, and I told him—well, I am going to read here, it may be it will epitomize what I have been trying to say—

"The Massachusetts Laundrymen's Association sometime ago commenced a general investigation of the Chinese labor situation in this State, and to that end employed the Burns International Detective Agency. In that way it learned for a certainty what it before suspected to exist, namely, that Chinamen were being smuggled into this country in great numbers by way of the Canadian border extending from Buffalo eastward, and also across the Mexican border and by vessels entering at North Atlantic ports. It discovered for itself also that there are in Chinatown in Boston about 25 per cent of the Chinamen there who are not legally entitled to remain in this country, though there are many of the Chinamen of Boston who possess certificates of residence which do not of right belong to them. For instance, wherever a genuine certificate was issued with any photographic record of the subject investigated retained by the commissioner who heard the case, it became easy to obtain a copy of such certificate as the commissioner could issue multiple copies of such certificates which are now being handled in considerable numbers among the smuggling Chinamen in Boston. Though this was news to these men, it was not news to the Federal authorities who have long contended with that same method of defeating the Chinese-exclusion law.

"These men did learn, however, that the Chinamen of Boston regarded Commissioner Hayes as the one most likely to find in their favor in any investigation brought before him for hearing, providing in each instance a half plausible story could be concocted with witnesses ready to corroborate the same.

"Such a situation, viewed in the light of McCabe's bringing to prosecution so few cases in this district, led these men to suspect that he was at least neglectful of his duty if not in collusion with the Chinamen. McCabe was therefore investigated and found to be in nowise neglectful of his official duties, excepting in that he would not submit to United States Commissioner Hayes any but cases of palpably illegal residence."

I want to qualify that and say to you that I think McCabe is neglectful in his duty in the other parts of Massachusetts where no such excuse is offered to him as is offered to him in Boston.

"These men had spent several thousands of dollars in this investigation and felt that something further should be done, and thereupon they went to Washington, where they took up with the department heads the question of the Chinese labor situation in Boston, Mass. At Washington they found that the

department heads themselves regarded United States Commissioner Hayes as a stumbling block to the free and earnest enforcement of the Chinese-exclusion law in Boston. Mr. McCabe has since then frankly told of the suspicion with which he was at first regarded by the laundrymen. As counsel for the laundrymen I am able to assure them of McCabe's jealousy, and if such were needed of your zeal as district attorney to prosecute with earnestness all such cases when properly brought to your attention.

"My experience and observation while your assistant can, if frankly told, justify McCabe's treatment of this Chinese situation in Boston and vicinity.

"Since reading the reports of confidential investigators who have spent several weeks in mingling freely among the Chinese of Boston, I know that Commissioner Hayes himself would feel somewhat humiliated if he could know how gullible he is regarded as being by the Chinese people of Boston.

"The Chinese inspectors of Boston are constantly receiving anonymous letters concerning Chinamen alleged to be here illegally; but their experience has taught them that only too often such letters were inspired by the Chinaman himself who seeks arrest with the hope of being made a citizen once and forever by the United States commissioner at Boston.

"I know how all of your assistants feel in this matter, and from our conversation Wednesday morning I think you, too, are inclined to share that same opinion. My personal regard for Mr. Hayes is like your own high one. I know him to be a gentleman of high moral standards, and I believe, too, that he is a man of exceptional learning in the law and of very practical and sound judgment. The exception to all this, however, is his benevolence toward the Chinamen which, though it appeals to us as individual men, is so great that it robs him of the judicial mind which he needs as much in these cases as in all others which are brought before him.

"You and I know that there are many excellent men on the bench with some such a penchant, which we seek or avoid according to the particular interests of the side we happen to represent, and we are honest, I believe, if we act accordingly.

"That is the situation which presents itself in this case. I trust that this special interest," etc., which is not of particular interest to you. That practically terminates the letter.

Mr. BUSIEK. Now, just tell us, Mr. Sullivan, what the result of your correspondence with Mr. French was?

Acting Chairman WEINSTOCK. Who is Mr. French?

Mr. BUSIEK. United States district attorney, who has the designation of the commissioner who will hear any particular case.

Mr. SULLIVAN. On June 25 Mr. French wrote me the following letter [reading]:

"MY DEAR MR. SULLIVAN"—

Acting Chairman WEINSTOCK (interrupting). He was your chief while you were in the service?

Mr. SULLIVAN. Yes, sir. He has been there now a little over eight years.

"MY DEAR MR. SULLIVAN: I have given a good deal of thought to the complaint made by you and Inspector McCabe that Commissioner Hayes is disposing of Chinese cases in an unsatisfactory manner and one which is calculated to defeat the purpose of the exclusion act. As a result I have come to the conclusion that although his application of law and findings of fact in some of the cases at least which have been presented to him have probably been erroneous, I am nevertheless not satisfied that they were unquestionably so. You and I agree that Mr. Hayes is a conscientious magistrate and an excellent lawyer, and I have no doubt that you will also concur with the suggestion that to take these cases out of his hands and to assign them to some one else would be a serious and unmerited reflection upon him. I have had a frank and friendly talk with him and explained the situation, and I do not believe that there will be hereafter reasonable ground for complaint against him.

"I have stated these facts in substance in a letter to the Attorney General and have suggested that the Department of Labor proceed to carry out its intentions with respect to the enforcement of the exclusion act in this district and have promised him the vigorous cooperation of this office. Should it then appear that these cases are not receiving proper treatment, a new commissioner can be promptly designated to hear them. I am, with regards,

"Very truly, yours,"—

Whereupon, on June 30, I wrote Mr. French the following letter:

"MY DEAR MR. FRENCH: I have your very considerate reply of June 25"—

This is simply gentlemen sparring—

"and I certainly do agree with you that Mr. Hayes is a conscientious magistrate and an excellent lawyer and that to take these cases out of his hands and to assign them to some one else might put a serious and unmerited reflection on him. I fear, however, that the frank and friendly talk with him that you had has not accomplished much. Monday morning"—

By the way, I want to say that up to the time at least that this letter was written Commissioner Hayes knew nothing of my activity. We are very friendly, and he knew nothing of my activity, and the instance I am now giving you here is only one of three or four like it that have happened on occasions when I have met him in the United States attorneys' office, when we would sit down in a friendly way with the fellows and have a chat and a smoke, and they would be at the old commissioner because of his attitude in Chinese cases. To resume:

"Monday morning I accidentally met with Commissioner Hayes in your office in the post-office building, and he recited to me some of the evidence which was presented to him in the case of a Chinese boy who claims to be here as a student. This is the evidence as he gave it to me, based upon the boy's own story: The boy arrived in Seattle some time in 1909, where he says he attended school for six months. Later he came to Boston and attended school here for one or two terms. He is now 15 years of age. He did not go to school during 1913 and, as I understand it, is not now attending school. The boy gave as his reason for not attending school the following: That he did not have enough money to permit of his going around like the other boys at the school, attending moving-picture shows and the like, and that his pride in this was so offended that he absented himself from school and worked at various times during that year washing in a Chinese laundry. I asked the commissioner if he was paid for that work, and he said the boy had testified that he was not. I asked the commissioner how the boy supported himself, and he said that he received an allowance from his father who was in China. The commissioner told me that he believed the boy's story and asked me for my opinion. I told him frankly that I thought the story was a lie; that it was absurd to believe that the boy was too proud to go to school where among other boys his allowance was not sufficient to attend moving-picture shows like other boys, and yet he was humble enough to go to work in a laundry for nothing. Now, this is a fair sample of the values Commissioner Hayes puts upon Chinese testimony. You and I, judging this testimony in the light of our own worldly experience, know that it is too absurd to be worthy of belief, and yet that good man, Commissioner Hayes, sincerely believes that that Chinese boy is telling the truth. I am sorry that my employment as counsel for the Laundrymen's Association of Massachusetts is such that I am obliged to say these things to you regarding Commissioner Hayes; and so highly do I regard him and so keenly do I appreciate the sensitiveness of your position that I have been tempted at times to resign my employment. I am not, however, going to disturb you any further in this matter, and I am going to try to make my clients believe as you have expressed your belief in your letter to me of June 25 when you say that after having had a frank and friendly talk with him I do not believe there will be hereafter reasonable ground for complaint against him.

"Your term of office in the ordinary course of political events I presume to be too near its end for me to violate the rules that should govern the sincere regard I hold for you, with whom I have been associated for the last 10 years, and therefore I am going to hope for what you believe to be the result of your interview with Mr. Hayes, though my estimate of the judge's stability is such that since I have seen * * * as creditable Chinese testimony in such cases it is next to impossible to move him. I think he is too sincere in his convictions to be moved even by own persuasive self. However, I am going to hope for the very best.

"With very kind regards for yourself and with gratitude for the indulgence shown me in this matter, permit me to ask that you regard me as

"Very respectfully, yours"—

Now, let me say a word about my interview—if you are interested—with Mr. Larned.

Through Congressman Gardner, of Massachusetts, we made an appointment—I believe it was early in June or the latter part of May—to meet Mr. Caminetti—

Acting Chairman WEINSTOCK. How recently?

Mr. SULLIVAN. May or June.

Acting Chairman WEINSTOCK. Of this year?

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. So this is right up to date?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. As I understand, the things you are talking about now are the current conditions right up to date?

Mr. SULLIVAN. Yes, sir. It was some time soon after April 30.

Commissioner LENNON. Just one question: That recitation of the conversation of the commissioner with you as to the evidence of this boy, even if that evidence was corroborated, it was not a sufficient ground to warrant a refusal to exclude the boy, was it?

Mr. SULLIVAN. That is my opinion.

Commissioner LENNON. That would seem to me to be the case under the law.

Mr. SULLIVAN. That is my opinion.

Mr. BUSIEK. There is really no question about it, is there, Mr. Sullivan?

Mr. SULLIVAN. No; but he will in all likelihood let that boy stay.

Mr. BUSIEK. The law says that he must be a bona fide student, and not engaged in any labor.

Mr. SULLIVAN. That is the law and regulations made therefor; though Judge Thomas I. Chatfield, sitting in the Federal court of Brooklyn—

Mr. BUSIEK (interrupting). Well, we can pass that case of Chatfield.

Mr. SULLIVAN. All right. Now, there in April or May—some time after May 30—April 30, I should say—we went to Washington, and when Mr. Gardner heard what our story was, he said, "Why the man you want to see is Larned. He is the active fellow down there." And he characterized Mr. Caminetti after his own fashion, which I will not spread upon the record here. So he said we will see Larned or somebody else. So when we went down to the department we met Caminetti, and in his office at the time were several men, Larned among them, and several assistants; and Gardner is very sweet and diplomatic in the Yankee fashion, and was able to relieve Mr. Caminetti of the trifling business that we had so that we were turned over to Mr. Larned. But while we were having our interview with Larned, Caminetti came in, and to retain Gardner's estimate of him I accepted his gracious offer to the extent of thanking him for it and relieving him of the burden of having a trifling matter occupy the attention of a man whose mind was so crowded with important things.

And Larned said to us in going over this situation here that for a long time they had had a lot of trouble with Commissioner Hayes, and we conceded all that and said that somebody else ought to be appointed. Well, then, I said, "Your men are not doing the work they ought to do. They have not got Commissioner Hayes in other parts of the State." "Well," he said, "we haven't got the money." "Why, Mr. Larned," I said, "why McCabe said to me 'It is not more money we need; all we want is the order to go to work to do these things.'" Now, all McCabe is really doing, and Sullivan, is sitting in the immigration station in Boston receiving applications of Chinamen who are going abroad who want to return, and want a return certificate, and occasionally examining such Chinamen as to whom their suspicion may be aroused and that Chinaman is brought before the commissioner on a hearing. "Now," I said, "there is no active work being done in Massachusetts and there has not been any real active work in this line been done since I have been in the United States attorney's office, and that covers the term of nearly seven years." "Well," he said, "we can't do anything. We haven't got the money." And once my client, who seemed to think that was a good excuse, though I did not, said, "Can we help you?" He said, "Yes, you can." He said, "Last year we were allowed in the sundry civil bill \$2,550,000. This year we are asking for \$2,910,000." He says, "I don't suppose we will get a cent of that increase." But in general terms, though I can not say in specific terms, he assured us if he could get an increased appropriation he would apply that to the enforcement of the Chinese-exclusion law in addition to all else that is being spent; and we did something to that end in the way of lobbying. And a few weeks afterwards Mr. Wooley and Mr. McCarthy, who are members of this association, went to Washington. I could not go with them at that time.

And at that time Larned specifically and distinctly promised McCarthy that if he could get an increase it would be applied. They went to work to see Congressmen, and they worked on Mr. Fitzgerald, chairman of the Appropriation Committee, and to our great surprise they reported an appropriation of \$2,650,000—\$100,000 increase over the amount allowed in the sundry civil bill in the previous year. Then when we said to Larned we want something done, we want you to prepare to do something, he said, "Why, that is no increase, only \$5,000." I said, "How do you figure that?" He said, "Last year we got \$2,550,000 in the sundry civil bill, and we got \$95,000 in the deficiency bill. So," he said, "this is only \$5,000 more than we got in both appropriations last year." Of course, he was caught. That was at our interview here a few days ago—about June 25 or 26. And so Larned said, "We are going to fight this thing in the Senate. We are not going to bother the House at all. We are going to fight it in the Senate." So we went back up to the Capitol and saw one or two of the Congressmen and saw Fitzgerald, and I told Fitzgerald that I didn't give a damn about the appropriation so far as Massachusetts was concerned; that they had two men up there now assigned to Chinese work, and if those men would only do all they could reasonably be expected to do there with the means at hand we would not complain. I said, "My complaint is that they are not doing all that can be rightly expected of them. My clients here are anxious to aid this department in increasing its appropriation." He said, "Mr. Sullivan, they can fight it in the Senate if they want to; but when it comes back here I will give them the damndest fight they ever had, because," he says, "I know what that bureau is doing with its money, and in an open fight on the floor of this House I will tell the public what they are doing with their money. I know what they are doing with their money." And so we came back home.

I want to say this, by the way. At our first interview with Mr. Larned we revealed to him what we had been doing and what investigations had been made; and we brought along with us Mr. Norton, who was in charge of the Boston bureau of the Burns Detective Agency, and Larned seemed quite interested and said that he had turned over the entire Chinese investigation part of his work to Mr. Taylor, who was then——

Mr. BUSIEK (interrupting). Richard Taylor?

Mr. SULLIVAN. I don't know whether I have got his full name or not; but the Mr. Taylor who was then at Buffalo—R. H. Taylor.

Mr. BUSIEK. Yes.

Mr. SULLIVAN. Who was then at Buffalo; and he says, "I have to-day just telegraphed him authority to buy a power boat to be used in his investigations and in his authority to discover Chinese smugglers on the Great Lakes. I guess that was an authorization to extend something like \$1,200 or \$1,500 to buy a power boat. And he says, "I will get in touch with Mr. Taylor and have him come on to Boston and see you men to confer with you." I says, "Now, this is to be secret, and I would rather not anything be known of this by our Boston agents." He says, "No; nothing will be known." Well, Taylor came on, and Taylor told us he was going to keep this secret from McCabe, and we were to complete our investigations and make report to him and then he would go and send men here to act with us.

Well, the next thing I heard from Taylor was through McCabe, who had received a letter from Taylor instructing him to cooperate with us—the men that we said that we were not satisfied with. We did not think McCabe was live enough to do the work. We wanted a live man and would rather have a man who had nothing to do with the Chinese interests in Boston at all, and he promised that. But we didn't hear anything from him, and we got word from McCabe and the instructions from Taylor to McCabe were that there was to be no round-up. Instead of allowing our man Curley, who made these special investigations in Chinatown, to go before Commissioner Hayes and make out all his complaints all at once against these individual Chinamen and then have him go out with the Chinese inspector and point them out and grab them, their point was that we should take them individually. "Well," I said, "the moment I put Curley on the stand in one case all these other fellows are going to flee. Now, that is absolutely absurd. We have spent thousands of dollars here for nothing." So nothing has been done so far. McCabe said, "What is the use of arresting these men and taking them before Commissioner Hayes? He will discharge them." Well, that may be a sufficient excuse. The fact is nothing has been done.

Commissioner O'CONNELL. Your position now is that McCabe has done nothing with these cases at all?

Mr. SULLIVAN. No; nothing has been done here. We sent a list of these cases and in fact sent all our testimony relating to these particular cases to Mr. Taylor——

Commissioner O'CONNELL. Now, let me get in the record some of your ideas as to the result of your investigation. What is your estimate of the number of Chinese in Boston?

Mr. SULLIVAN. I can't give you that, sir.

Commissioner O'CONNELL. Or in the State.

Mr. SULLIVAN. No; I can't give you that. I suppose your statistics——

Commissioner O'CONNELL. Yes; we have had some estimates here varying all the way from 800 to 2,000.

Mr. SULLIVAN. Well, I suppose the official statistics would help you; but, of course, that is not all that are here.

Commissioner O'CONNELL. Now, what is your impression as to the number of Chinamen that are in the Boston district illegally?

Mr. SULLIVAN. I can't give you the number; I can give you a percentage.

Commissioner O'CONNELL. Well, some percentage.

Mr. SULLIVAN. About 25 per cent of them are probably here lawfully.

Commissioner LENNON. And 75 per cent unlawfully?

Mr. SULLIVAN. Seventy-five per cent of them unlawfully. For instance, take this Chin Kay Sooy that I have spoken of. There is a case that I think the Chinese bureau honestly fought and they would have deported him, but they were interfered with, they say, by such men, then high in power in Massachusetts, ex-Gov. Curtis, ex-Gov. Evan S. Draper, and ex-Senator Murray Crane; and probably they were worked on by some politician lower in the scale, with the result that the bureau has not touched him, you understand. They say, "We refuse to go any further because things are so set against us, we would simply be making him an American citizen. The result is, however, he has gone before the registration board in Boston and to their satisfaction proved himself to be a native-born American citizen entitled to vote and has stood for election to the legislature and came within about 400 of being elected in his district.

Acting Chairman WEINSTOCK. Who is that.

Mr. SULLIVAN. This Chin Kay Sooy; and Curley in his investigations down there found out that it is understood among his friends that had he paid one politician down there, a gang leader, \$500, instead of distributing his money in small amounts injudicially among the electorate himself of his district, that this fellow would have delivered enough votes to have elected him.

Acting Chairman WEINSTOCK. To the legislature?

Mr. SULLIVAN. Yes, sir. And probably he will stand for election this fall.

Acting Chairman WEINSTOCK. What is his business?

Mr. SULLIVAN. He is incidentally one of the directors of the Cosmopolitan Trust Co., of Boston. He is part owner of two or three restaurants in Boston. He is owner or part owner of a wet-wash laundry in Boston. Up to a few months ago he owned a big farm out here in the country. I understood since that he had sold that at a profit of \$30,000, though it is said in Chinatown among Chinamen reported to know that he did not sell it, but that he was going to put Chinese laborers to work there; in fact, had some Chinese working there.

Commissioner LENNON. Quite a successful business man?

Mr. SULLIVAN. Yes, sir; quite successful.

Commissioner O'CONNELL. Have you any particular men or organizations who are interested in the Chinese illegally?

Mr. SULLIVAN. I have in mind no organizations interested in Chinamen being introduced here illegally. I have in mind some individuals, of course, who have been interested and who have been convicted. Now, I have spoken of Goodman Phillips.

Commissioner O'CONNELL. Yes; I remember.

Mr. SULLIVAN. And there was Linehan and Capt. Daley, and I said something to you, Mr. Busiek, the other day—you asked me about Holske—asked me if he was my client.

Mr. BUSIEK. Yes.

Mr. SULLIVAN. Now, I will tell you all I know about the Holskes. The elder Holske, I understand, is in business here in Chinatown.

Acting Chairman WEINSTOCK. Is he a Chinaman?

Mr. SULLIVAN. No; a white man. He was formerly interested in smuggling Chinamen, and he may be yet.

Commissioner O'CONNELL. And do you think smuggling is going on just as continuously now?

Mr. SULLIVAN. Oh, yes; there is no doubt about it. If you will ask me that question after I finish this, I will come back to it.

All I know about Holske is really what McCabe has said to me here since he knew we were making our investigations. He says, "I am sorry I didn't know about this investigation. I could have directed you to some things that were worth investigating; "now," he says, "there is the younger Holske. He is a traveling salesman for the National Biscuit Co., and his headquarters are at Pittsfield, and he is living in a manner beyond the means afforded him by his employment as a drummer, and," he says, "there are a lot of Chinese being smuggled into Pittsfield. I know that. And I have always suspected that he was the one that was introducing them. To throw me off the track and obviate any possibility of my suspicion his father from time to time has tried—or intimated to me that he and his son were not on good terms, and," he says, "he has repeated it so frequently that I begin to suspect that his father is still negotiating the deals for smuggling Chinamen into the United States, and that this fellow is simply his instrument at Pittsfield."

Well, now McCabe—not McCabe, but McKenna, of the customs bureau—is assigned or has been assigned for the last few months to the special work of discovering smuggled opium, and he is a very likable fellow, very astute, very diplomatic, and has been very effective and has done excellent work, and the Chinamen like him, and to this extent, that they are always trying to ingratiate themselves in his favor. Of course you know how obsequious they are in seeking anything, and as a consequence he always receives and gets a good deal of information and is allowed to go to a good many places that other men are not allowed to go, and he reported here a few months ago to McCabe that there were about 15 or 16 raw Chinamen—green Chinamen—that were harbored in a laundry in Pittsfield. He says they have been sleeping on the bare floors in filth and dirt. He says "You ought to go up there and you could grab a bunch very easily—without any difficulty." Nothing was done. And I knew McKenna had told him that, so I said to McCabe, "You didn't do anything with that bunch of Chinamen in Pittsfield." "No," he said, "that wasn't any news to me. There is always a bunch of them there." I says, "If that is so and there is always a bunch there, why don't you go up there and do something?" "Well," he said, "I am going up next week." I says, "Well, we wish you would go. The matter ought to be attended to." He says, "I am afraid of Commissioner Wood. I think he is somewhat like Hayes." I said, "Wood is a fine young man and a very judicial man, and I think you will find him a very satisfactory commissioner. I always have. Now," I said, "I will be willing to go up with you. My clients will pay my expenses, and I will go up with you. I know the assistants from the United States attorney's office, and they are all new to the game, and they will be willing, and I can go up and sit in and take part in this matter. They are like all new men who don't know much about the Federal practice, and he said, "Well, I will let you know." But he didn't go, and I called him up and asked him about it, and he said, "Well, I didn't go. I was very busy, but I will do it next week." Well, he didn't go next week nor the following week, and yesterday I called him up, or the day before, and I asked him—or rather I asked for McCabe, and he was out, and Sullivan answered, and I told him who I was, and I says, "You fellows told me you were going up to Pittsfield to see if you couldn't rope some of those Chinamen, and you haven't done it." "Well," he said, "we have been busy. We have been busy with Chinese cases here in court in Boston." I said, "Good God! You have only had one or two, and they only occupied you one or two days, and here there has been a whole month gone by." "Well," he says, "that is all right. If you are dissatisfied with that, I can't say anything further." "Well," I says, "at best it is unsatisfactory, and I don't think it is creditable to what you do." Now, that is the situation we have.

Acting Chairman WEINSTOCK. May we ask, Mr. Sullivan, if you care to make it—you come in more or less touch in your work with Mr. Billings, I take it?

Mr. SULLIVAN. Not now. I used to when I was in the United States attorney's office.

Acting Chairman WEINSTOCK. And with McCabe.

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. And with Caminetti?

Mr. SULLIVAN. Well, I met Caminetti; yes.

Acting Chairman WEINSTOCK. And Larned?

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. And Hayes?

Mr. SULLIVAN. Yes, sir. I had two interviews with Larned, and my clients, three, and with Taylor and with Jerry Hurley; I met him.

Acting Chairman WEINSTOCK. Now, for our guidance, and for the information of the commissioners, and not the public, would you care to give sort of a pen picture or sort of sketch of your impressions of these various men as the outcome of your talk with them?

Mr. SULLIVAN. Yes; beginning with Caminetti. Of course, not having seen the man at all, I had, of course, a background which was created by Congressman Gardner's characterization of him; and when I met him I saw a little sawed-off, insignificant individual of unkempt appearance and apparently lacking to a considerable degree in that intelligence and acumen that is expected of a man occupying an office of prominence and responsibility such as he has. A man who would rather be affable and pleasing than to be always just and right. A man who found it easier to say yes than to say no. A man vain and anxious to be thought well of, though not deserving of the high opinion that he is constantly bartering his character for. A man in his particular position to be disregarded for effective results. A man who is dependent upon his assistants and never takes the trouble to verify their reports to him and even lacks—he is lacking in that particular in two qualities, and that is the acumen to verify, and even the industry to verify, where his better judgment might tell him he should verify. Now, that is my estimate of Caminetti.

Now, Larned: And again, of course, apart from my observations of him, I have a background that is colored or clouded or tinted by other people's reports and other circumstances over which, perhaps, he has no control, but which are the results, perhaps, of other people's acquaintance with him. My first impression of Larned was that he was a very capable man; that he was capable of doing the finest kind of work; that he had a keen mind and a fairly good memory, but that he pretended to a greater knowledge of his department work than he really had.

Acting Chairman WEINSTOCK. You mean that he was a bluffer?

Mr. SULLIVAN. Yes, sir; and he has ability enough to get away with it for a long while. Let me give you an instance of that. I was showing at different points wherein the Chinese exclusion act was weak. He opposed to that his notions of where it was strong, and sometimes conceding that my notions of those points were right. I showed him in two or three instances where his manner of procedure under the Chinese exclusion act was wrong and how there was a better way under the law. He proceeded to dispute those points, as did Taylor when I met Taylor. And I maintained, in the presence of my clients, that he was wrong in his notion of the law in that particular; and he was so clever that almost I think he convinced them that I did not know as much about the law as I thought I did, and he came damn near convincing me I must be wrong, when presently a clerk came in. We were talking about the use—about their exercising their peremptory right to deport—and I was opposing to that the right of anybody whom they attempted to deport in that fashion to demand protection under a writ of habeas corpus; and he said he thought it amounted to nothing; that they could do it. Presently a clerk came in and he said, "Yes, Mr. Larned, we are having lots of trouble in this work because of writs of habeas corpus being taken out, and they are giving us lots of trouble, and they are blaming us in that particular." Whereupon he was immediately tripped up. I was convinced from that instance and other instances that Larned is not learned in the statutes. That he knew something of the mechanics of the statute, but was not learned in the law; that he has some good clerks under him; that he pretends to a great memory of lots of things; that there are clerks there that have these things indexed in their own minds, and that they are his ready indexes.

I later came to the conclusion that Larned was not frank; that he was a pretender. I was convinced that he was not making the best efforts with the means that the Government had given him for the proper enforcement of this law—for what reason I don't know; but I am convinced that he is not making the best efforts. I am convinced that here and there he makes what seems to be a zealous effort to enforce this law, but those are only instances at a time,

and that there are an uncounted number of instances where if the same energy was exercised we would get a proper and reasonable enforcement of this law.

Acting Chairman WEINSTOCK. Have you read the extras—dispatches—about charges preferred against him?

Mr. SULLIVAN. Not since I read them in a brief notice. I don't know what those amount to. I did speak to McCabe about them. I called him on the phone—I have been following these fellows up. McCabe says, "Oh, those don't amount to anything. That is just some disgruntled fellow in the field making some complaint and it doesn't amount to anything." McCabe seemed to hold a brief for Larned in that.

Commissioner O'CONNELL. Have you heard anything, or do you know or would you like to state anything as to his honesty?

Mr. SULLIVAN. Who—Larned?

Commissioner O'CONNELL. Yes, sir.

Mr. SULLIVAN. I think he is a liar. My reason for saying he is a liar is that he was anxious for us to get an increase over his appropriation of last year which the sundry civil bill provided was \$2,550,000; that this year they had asked for \$2,910,000, and he told me that he did not expect to get a cent of that increase—

Commissioner O'CONNELL (interrupting). Mr. Sullivan do you think he would be interested enough in the Chinese in some way, financially or otherwise, to deceive those above him in the Immigration Bureau?

Mr. SULLIVAN. Yes, sir. He has been there long enough to have worked a reform that would put peace in this law. He has been there long enough, and I will tell you how he could do it. There is nothing to prevent Commissioner Hayes from issuing a hundred duplicates on as many requests of any record he has ever made in a Chinese case before him. What is the result. Those things are distributed and sold at a high price. Commissioner Hayes may honestly issue duplicates. Even suppose he marks them "Original," "Duplicate," "Triplicate," he can issue them and those things are used and used widely. And you may be able—

Commissioner O'CONNELL. Do you think he is in anyway interested in the issuing of those?

Mr. SULLIVAN. No; he is not. But, now, of course, if a duplicate like that is issued it ought to be easy to verify it, because Commissioner Hayes now keeps a photograph of the original subject brought before him. But Larned knows that there are thousands of certificates out that are duplicates and triplicates that are in the hands of various individuals. There has never been an effort made to verify those. Take, for instance, the McGettrich certificates, which were proverbially corrupt, and suppose when a fellow was caught, say Chin Kay Sooy, they took his picture and sent it on to Washington for record. Whenever another Chin Kay Sooy bobbed up they could verify that. Don't you see they could make some effort to identify that.

He has been in that department long enough to realize the value of a rogues' gallery—of those certificates—and there is no effort to make it, and it could be done.

Acting Chairman WEINSTOCK. Now, let me ask you, Mr. Sullivan, if this commission were to delegate to you the power vested in it by Congress, the power to recommend ways for preventing future Chinese smuggling, what would be your recommendation?

Mr. SULLIVAN. Well, there are some situations that are difficult to meet. Now, I will give you some of the situations I have in mind. For instance, I am convinced that there are men employed as seamen on these big trans-Atlantic liners and other freight ships coming into Boston who pick up an occasional \$100 bill by aiding Chinamen to enter the United States. I know that for this reason: We have had one or two cases where Chinamen have been found on, for instance, the White Star Line boats entering Boston, and they were put in the galley or put in some stateroom or other awaiting the departure of the boat, and they were ordered to be deported. In some instances those men have escaped by the portholes and left the wharf. We have had other instances where the watchman on the wharf has seen at nighttime Chinamen—he could tell they were Chinamen—and they disappear and leave the wharf. In some instances we caught one or two of them; in others they successfully made their escape. Of course, that is a condition that can be met only by a vigilant supervision of these various wharves here in Boston. And that, I think, is attended to in an indifferent fashion.

Acting Chairman WEINSTOCK. You mean you would strengthen the watchfulness—the police duty?

Mr. SULLIVAN. I would strengthen the watchfulness upon our wharves and strengthen the thoroughness of the search of every boat brought in.

Mr. BUSIEK. Mr. Sullivan, if I may interrupt, the problem that appears to be the big problem as presented by the witnesses in the Immigration Service seems to be this: It is generally conceded that your estimate of the number of contraband Chinese in this country is not an overstatement at all; but it appears that once a Chinaman is in this country, that if he is in the city——

Acting Chairman WEINSTOCK (Interrupting). He is lost in the shuffle——

Mr. BUSIEK. Now, what is your suggestion as to how to get these fellows out that are in?

Mr. SULLIVAN. Now, here I will say to you what I said to Mr. Larned, apart from an increased watchfulness, which, Larned will argue, is now brought to the highest point under the appropriation as allowed, I am going to say this, which I said to Larned, no law is a law without sanction, and that sanction must be something more than a mere provision for a penalty. That penalty must be enforced.

Now, we have a statute here which makes it unlawful for Chinamen to enter the country, excepting in certain excepted classes; but supposing the Chinaman does pay \$500 to enter the United States and is detected entering, what penalty does he pay? Simply pays the penalty of losing his \$500 and is sent back. No harm comes to him. He is not imprisoned. If we catch a man smuggling them in, we imprison them. All we do to the Chinamen is to deport them.

I have followed up this point of law, but Larned has been wrong on so many points that I suspect he may be wrong in this. There is a general provision in the law making it unlawful for certain classes of Chinamen to be in the United States; and because any Chinaman who was here in 1892 or 1893 was required to be registered, if he was not registered he must give an excuse for it, otherwise he is here unlawfully; presuming, therefore, that all other Chinamen who are here, who have come here since then are here unlawfully, unless they are of the excepted classes; that, therefore, is an offense under the statute; they are here unlawfully; it is unlawful for them to enter.

There is the general provision of the statute which says, "All other offenses under this act for which penalties are not provided shall be punished by the following fine or term of imprisonment." I said to Larned, "Why deport these men? Why simply deport them? Why do not you do to those Chinamen what you do with a lot of other immigrants that are coming here, that attempt to come here, unlawfully entering the port not designated by the Commissioner of Immigration? Why do you not impose a penalty upon them?" "Well," he said, "that is a thing that has been tried and has been up to the Supreme Court, and they say you can not do it."

That may be so, but I think there should be some definite provision in the law that any Chinaman found here unlawfully or found attempting to enter this country surreptitiously and at a point not designated by the United States commissioner, should be punished. Then, by God, Chinamen are not going to attempt to come into this country in such great numbers, at least, as they are now attempting. All that they hazard now is the cost of coming in. If by any chance they should be successfully detected, they are simply deported in a most humane and considerate fashion. Therefore, your law is forever sanctioned.

Acting Chairman WEINSTOCK. Let me ask you, Mr. Sullivan, could you prepare an amendment to the existing law that would cover that thought that you have just expressed?

Mr. SULLIVAN. I think I could, and I would be very glad to do that. I would like to give some of the legal features of it some thought and the constitutional features of it some thought.

Acting Chairman WEINSTOCK. I would like to invite your judgment and your criticism upon a plan that has been presented to us. I have spent several months on the Pacific coast, which is the headquarters for all this problem, in discussing ways and means with the experts out there, whites and Chinese, and collectively there has been a plan hammered out, a tentative plan, to prevent, to minimize, which has not yet even been adopted by the subcommittee of the commission, so that it is in position to be hammered to death, ought to be amended, and your knowledge, experience, and criticism of it ought to be of value.

We started out on this theory, that the thing to do to minimize the smuggling is to take the profit out of the game, to take the velvet out of the situation, because it is the profit and promise that prompts those Chinamen to engage in the smuggling business. The more terrors there can be connected with this smuggling the greater the restraining influence will be. To-day it is generally understood by contrabands and by the smugglers, as Mr. Busiek pointed out, that if a Chinaman thinks once he gets here the chance for his being deported is remote and that he can afford to take the slight risk. He is lost in the shuffle the moment he lands.

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. Therefore, he is willing to pay the price, which I suppose is pretty stiff at times, and he is willing to undergo the physical hardships for the prospective reward and the knowledge that once here he is here for keeps; but if conditions could be provided whereby those contrabands would not only have to pay the fee and undergo the physical privations and hardships, but on top of that would live in a constant terror or fear, with a sword over his head suspended by a slender thread—with that end in view this plan has been suggested. The logical thing to do would be to start out as a beginning and check up every Chinaman in America.

Mr. SULLIVAN. I think so.

Acting Chairman WEINSTOCK. And compel them to prove their legal right to be here. But it has been pointed out, and correctly so, that if that were done a great many Chinese who are legally entitled to be here could not prove their legal residence, because many of their certificates were destroyed in the great fire of San Francisco—I don't know how many—20,000 Chinamen—the result would be that many who are rightfully here would be deported, which would be an injustice. In order to overcome that, and the fear that the future begets would compensate, the plan was to wipe out the slate clean and take it for granted that every Chinaman in the country to-day is legally here, forget the past, prepare for the future. So an amendment is proposed calling for a registration of all the Chinese laborers in the United States, allowing them six months' time to secure their new certificates. This certificate would be so safeguarded that it would be impossible of duplication, probably with a thumb mark, place for photograph, and all other precautions that may suggest themselves. It would be made obligatory on the part of laborers to reregister; it would be made voluntary on the part of privileged classes and the natives.

At the end of six months the Secretary of Labor would be instructed and commanded to appoint a certain number of arrest crews, not less than 3, not more than 10, perhaps; a crew to consist of a trained inspector, specializing on that very thing, nothing else, an interpreter, and a stenographer. Those crews would be dropped into cities unexpectedly and would check up all the Chinese throughout the country, continuously, not less than twice a year and as frequently as conditions would permit. Now, it is pointed out that with that system in operation, if a Chinaman did smuggle in, with trained inspectors on his heels, as was pointed out by Mr. Edsall, the assistant commissioner at San Francisco—who is probably one of the keenest experts in the service—with trained experts that could drop into a community, and with underground information at their command, they could spot the strangers very quickly; and if the strangers took wings and flew, they would be after them so that life would become a terror and after a while, when there had been a goodly number of deportations made and the news would become so well spread, that the velvet in the game would disappear.

Mr. SULLIVAN. I think that is an excellent plan, only to make it more effective I would impose a penalty upon anybody found here unlawfully.

Acting Chairman WEINSTOCK. You would take this plan and plus it with your idea?

Mr. SULLIVAN. Yes, sir; I think it is excellent. He has, in a most perfect fashion, said what I was trying to work out when I said that Larned, in the years that he has been at it and from his knowledge and experience, should have had some form of registration.

Commissioner LENNON. In addition to what you have stated in the plan is the proposition that the commissioners who now pass upon the eligibility would no longer have that power?

Acting Chairman WEINSTOCK. Yes. I want to explain that. The idea is to have those disputed cases dealt with not by the courts, but by the commissioners. It has been pointed out, Edsall pointed out that very clearly, that when these cases come into courts they are hopeless; it takes years, but if

it is dealt with by the commissioners you get expedition, prompt action, and you are more likely to get results and justice.

Mr. SULLIVAN. With these two suggestions, that the Chinaman himself be given a certificate with his photograph and thumb mark on it——

Acting Chairman WEINSTOCK. Yes.

Mr. SULLIVAN. And the original be kept at Washington.

Acting Chairman WEINSTOCK. Yes.

Mr. SULLIVAN. Understand, that the original be kept at Washington——

Acting Chairman WEINSTOCK. Let me furnish you with a copy of the proposed amendment.

Mr. SULLIVAN. I would be very glad to get it.

Commissioner O'CONNELL. We invite your criticism at your convenience.

Mr. SULLIVAN. Yes.

Mr. BUSIEK. I will keep in touch with you.

Mr. SULLIVAN. This other suggestion, see how it is going to work out; you are going to make a general registration that is going to wipe the slate clean and say all here are welcome.

Acting Chairman WEINSTOCK. Yes.

Mr. SULLIVAN. Then hereafter when another Chinaman is found without a certificate, his case is to be dealt with by some department board?

Acting Chairman WEINSTOCK. Yes. This is the way that paragraph reads:

"Any Chinese or person of Chinese descent who, after six months from the passage of this act, is found within the United States without such a certificate of residence shall be deemed to be unlawfully within the United States, and shall be arrested by any commissioner of immigration, or by his deputies, or by any persons whom the Secretary of Labor may authorize, and at such time and place and by such persons as the Secretary of Labor, the Commissioner General of Immigration, or any commissioner of immigration may designate shall be given a hearing upon the charge of being unlawfully within the United States."

You see he is heard by the department.

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK. Not by the courts.

Mr. SULLIVAN. Yes, sir.

Acting Chairman WEINSTOCK (reading):

"At such stage of the hearing as the person conducting the same may prescribe the person charged may be represented by counsel, and pending a final decision shall be entitled to bail in a reasonable sum, not less than \$500, to be fixed by the Secretary of Labor.

"The burden of proof shall be upon the person so charged affirmatively to established to the satisfaction of the person conducting the hearing, that he was not required by this act to make such application, or that he had been unable to apply for and receive such certificate of residence by reason of accident, sickness, or other just and unavoidable cause. The person conducting the hearing shall find from the evidence whether the person charged is unlawfully within the United States and should be deported, or whether he is entitled to a certificate of residence. The findings and the record on which they are based shall forthwith be reported to the Secretary of Labor, who shall determine whether the person charged is unlawfully within the United States and should be deported, or is entitled to a certificate of residence, and shall render judgment accordingly."

That keeps the whole thing within the department.

Mr. SULLIVAN. Yes, sir. Well, that clause there which excuses him from registration, I think, should be strengthened. I think it is the fault in the old law. For instance, you get a man:

"You were here in 1891 when that law was passed?" "Yes, sir." "You did not register during that year?" "No, sir." "That was extended six months further?" "Yes, sir." "You did not register during that time?" "No, sir." "Why?" "Oh, I was sick."

So that the time within which he should register, during that time he was sick. Now, I think there ought to be some provision made requiring them to register immediately thereafter, that is, after their disability. Of course, if they do not register within the six months, then they never register. Now, supposing you add to that law this——

Acting Chairman WEINSTOCK. Oh, yes. It says that if that Chinaman can prove to you, as the commissioner, that he did not register during the six months because he was sick, you can then authorize his registration.

Mr. BUSIEK. Here is what Mr. Sullivan means: If the Chairman should be sick during the 6 months, and 10 years later he is picked up, then he can come in and say that the reason he did not register was because he was sick. The provision Mr. Sullivan makes is this: That if he can not register during the six months it is incumbent upon him to register as soon as the disability under which he is laboring shall have been removed.

Acting Chairman WEINSTOCK. Then you destroy the value of the six months.

Mr. SULLIVAN. That occurred to me.

Acting Chairman WEINSTOCK. Then you make it indefinite?

Mr. SULLIVAN. Before whom does he register?

Acting Chairman WEINSTOCK. The Labor Department will furnish the machinery, I presume. There will be a system of registration blanks.

Mr. SULLIVAN. Supposing he is found in the United States after that six months of registration has expired, and he says, "I was sick during those six months." See?

Acting Chairman WEINSTOCK. Yes.

Mr. SULLIVAN. Here it is 10 years after that act was passed. He has escaped in all that time. See how easy it is for him to say, "Well, I didn't register within that six months' period because I was sick, and the six months expired before I was relieved of my disability, and I didn't register, and nobody has bothered me from that day to this, and here I am. I have given my reasons." I defy you to break that down; and he gives reasonable cause for it. But, supposing we find him 10 years after the registration act has gone into effect, and the act says they shall register within 6 months, and if after that time they are found without a certificate they should be adjudged to be here unlawfully, unless they are within that exception. Your law is stronger if you make some provision for their registration immediately after their disability, or make some provision whereby a man who was unable to go before the commissioner for registration, the commissioner can have him come to him, then they can have something they can work with.

Commissioner O'CONNELL. I think that is stronger.

Acting Chairman WEINSTOCK. I think so. Can you get that into shape?

Mr. SULLIVAN. Yes.

Commissioner O'CONNELL. If he can not come they must go to him?

Mr. SULLIVAN. I have that very case before me. You are here; you were born in San Francisco. They offer that if I was a native-born citizen I do not have to register. And, of course, you must provide for that. You can not make me register; you can not discriminate against me; I am an American citizen.

Acting Chairman WEINSTOCK. Yes. We make that provision by saying that laborers must, the privileged classes and the natives may, register. The attraction, the incentive for the natives and the privileged classes to register is this: With their certificate in their possession they can pass in and out of the country unmolested and undetained.

Mr. SULLIVAN. Yes.

Commissioner LENNON. Might it not be well to specify in that law the nature of the sickness? For instance, I will guarantee that 90 per cent of the men who are sick over a period of six months would not be prevented from registering?

Mr. SULLIVAN. No, sir.

Commissioner LENNON. Supposing a man had asthma; he might have it so seriously that he could not work, but it would not prevent his registering.

Acting Chairman WEINSTOCK. I suppose such a case as this might also happen: I live way up in the mountains somewhere, remote from all centers; I am a Chinaman, and I do not read, and very few people inform me of what is going on, and I am absolutely in ignorance of the fact that there has been such a law, that I must register within six months, and at the end of six months I go down to some populated center and I am caught.

Mr. SULLIVAN. Yes.

Commissioner O'CONNELL. I think, Mr. Weinstock, that could be gotten around.

Mr. SULLIVAN. By giving discretionary powers to the commission.

Commissioner O'CONNELL. And by giving the commission a department which must have a very good idea of where the Chinamen are located in this country, and they should be sent proper copies of the law by postmasters and all the ways of distribution the Government has. I understood you to say

that the Chinese laundrymen do a business of between \$40,000 and \$50,000 a week?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. How many laundries are there here in Boston?

Mr. SULLIVAN. I don't know. These business men have gone into them somewhat.

Commissioner O'CONNELL. Can you give us some idea of the number of laundries, the number of people employed in them, and some general information as to the laundries here?

Mr. SULLIVAN. Yes, sir. Then they are becoming great competitors of the restaurant people now.

Commissioner LENNON. Yes. I have tried them two or three times and I can't eat anything they turn out.

Mr. BUSIEK. I can eat after them all day.

Mr. SULLIVAN. They do well in some places.

Acting Chairman WEINSTOCK. There are two points that you want to cover, Mr. Sullivan: One, to provide some penalty other than mere deportation of contrabands?

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. The other, to provide some means to register those who, for some reason, were unable to register within six months?

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. Will you hammer that into shape?

Mr. SULLIVAN. Yes, sir.

Commissioner O'CONNELL. And let us have the benefit of such other criticisms as you may have?

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. Those are the vital parts of the proposed law. Will you see that I get a copy of Mr. Sullivan's suggestions?

Mr. BUSIEK. Yes.

Acting Chairman WEINSTOCK. Then I will take Mr. Sullivan's amendment and have it hammered to pieces in California by our sharpshooters out there.

Mr. SULLIVAN. You are going to leave town right away?

Mr. BUSIEK. Yes, sir. This afternoon.

Has Mr. Marshall anything to tell us that you have not covered?

Mr. SULLIVAN. I think Mr. Wooley is the man who perhaps would say more than Mr. Marshall or any other man.

Mr. BUSIEK. Mr. Marshall is in attendance; Mr. Wooley is not, so far.

Mr. SULLIVAN. Is Mr. Marshall in attendance?

Mr. BUSIEK. Yes.

Mr. SULLIVAN. Well, you might call him in and see if he has anything to say.

Mr. BUSIEK. I think Mr. Sullivan has covered the situation pretty well, but Mr. Marshall is one of the laundrymen.

TESTIMONY OF MR. EDWARD R. MARSHALL.

Mr. BUSIEK. Will you state your name in full, please?

Mr. MARSHALL. Edward R. Marshall.

Mr. BUSIEK. What is your business?

Mr. MARSHALL. Laundry proprietor.

Mr. BUSIEK. Are you a member of any association of laundry proprietors?

Mr. MARSHALL. Of the Massachusetts association.

Mr. BUSIEK. Are you an officer?

Mr. MARSHALL. No, sir.

Mr. BUSIEK. You were on a special committee, were you, to look after Chinese laundries?

Mr. MARSHALL. That was aside from the association. That was members of the association.

Mr. BUSIEK. You hired some of Burns's detectives to look into the matter?

Mr. MARSHALL. Yes, sir.

Mr. BUSIEK. I think Mr. Sullivan has covered the field very fully in regard to what the detectives' investigations disclosed, and conditions of the Bureau of Immigration here and in Washington so far as your committee worked on it, but we would like to get from you some idea as to the amount of work done by Chinese laundries in Boston and in Massachusetts.

Mr. MARSHALL. Well, I can not tell you about the State, but in Boston there are between 600 and 700 laundries; Chinese laundries.

Mr. BUSIEK. Between 60 and 70?

Mr. MARSHALL. Between 600 and 700.

Acting Chairman WEINSTOCK. Between 600 and 700?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. Is that possible?

Mr. MARSHALL. Yes, sir; and we estimate that they employ on an average of three men to a laundry.

Commissioner O'CONNELL. Those figures are getting away from the figures we have had about Chinamen in Boston. There are between 600 and 700 laundries?

Mr. MARSHALL. Yes.

Commissioner O'CONNELL. And they employ three?

Mr. MARSHALL. I will take that back. There are between 500 and 600 laundries, according to the 1913 directory of the city of Boston. We estimate about three Chinamen to a laundry. There are a good many more in some.

Commissioner O'CONNELL. So that it would be safe to estimate that there are between 2,000 and 3,000 Chinamen employed in the laundry business in Boston?

Mr. MARSHALL. Yes, sir.

Mr. BUSIEK. Those are based on the directory?

Mr. MARSHALL. On the directory. We take this from the city directory. We estimate, as near as we can find out—and that is going to run our figures right up now—that they do \$30 each a week, each employee in a Chinese laundry will do \$30 worth of business a week. We may overestimate it on three to a Chinese laundry. We have been working on the old facts and figures, that they do between \$33,000 and \$36,000 a week in the city of Boston, but you see my statement just now is going to run that up.

Acting Chairman WEINSTOCK. What proportion of the gross laundry business would that represent?

Mr. MARSHALL. That represents in their line about half.

Acting Chairman WEINSTOCK. Of the whole business?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. Do they do half the laundrying in Boston?

Mr. MARSHALL. Yes, sir.

Commissioner O'CONNELL. In their particular line?

Mr. MARSHALL. In the starch work line, shirts, collars, and underwear, and such work as that.

Commissioner O'CONNELL. They do not do as a rule the large hotel work, sheets, etc.?

Mr. MARSHALL. They have not got to that yet. They are drifting in that direction.

Mr. SULLIVAN. That is what you call flat work?

Mr. MARSHALL. Yes, sir; household linen.

Acting Chairman WEINSTOCK. Their collective business you estimate is how much a week?

Mr. MARSHALL. That would be running it up. Those figures I have given, if they will average three to a laundry, guessing at that—some have four or five or six—

Acting Chairman WEINSTOCK. Yes.

Mr. MARSHALL (continuing). That would run it up you see, way up in the air.

Commissioner O'CONNELL. Some estimates have been between \$40,000 and \$50,000.

Acting Chairman WEINSTOCK. A week or a month?

Mr. MARSHALL. A week. The fact is, and it might be interesting to know, that our business in the laundry business has increased. There is no new laundries practically started, although the population of Boston is increasing all the time, that the steam laundries are not going ahead at all in what we call starch work, that is the work the Chinamen do, we are making no gain in that. All our gain is in what we call flat work, bed linen, table linen, and so on, and it shows that the Chinamen are getting the rest.

Acting Chairman WEINSTOCK. Do they use machinery?

Mr. MARSHALL. They are beginning to use machinery. We don't know how much machinery they have.

Acting Chairman WEINSTOCK. What advantage has the Chinese laundry over the other?

Mr. MARSHALL. A decided advantage. To start with, that they do not collect and deliver their work. That is an expense to us of from 25 to 30 per cent.

Some have it lower than that, but some of the laundries, they collect it for 25 per cent, is the best they can do.

Acting Chairman WEINSTOCK. The customers must go to the Chinese laundry and deliver the wash?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. The Chinese do not deliver?

Mr. MARSHALL. No, sir.

Acting Chairman WEINSTOCK. They do in California.

Mr. MARSHALL. They don't here. When they run up against that, that is 25 per cent which they have. That brings the price of a shirt, which we receive 12 cents for, to 9 cents. In our laundry we get even less than the Chinese get. Then, we have overhead taxes and insurance that will easily come up to 25 per cent more.

Acting Chairman WEINSTOCK. A Chinaman has insurance and taxes?

Mr. MARSHALL. I don't think he has much of anything, that I can find out.

Acting Chairman WEINSTOCK. He can't escape his taxes and insurance?

Mr. MARSHALL. I don't believe he is taxed much.

Acting Chairman WEINSTOCK. How about the labor? What proportion of your receipts are paid out for labor?

Mr. MARSHALL. The entire labor of collecting and delivering will average about 50 per cent. Some laundries run less and some more.

Acting Chairman WEINSTOCK. About half the receipts are for labor?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. If you cut out the delivery end, what will go for labor?

Mr. MARSHALL. Oh, 25 per cent less.

Acting Chairman WEINSTOCK. For every dollar you get in you pay out 25 per cent for inside workers?

Mr. MARSHALL. Some it costs more and some get it down a little less than that, but not in Boston.

Acting Chairman WEINSTOCK. So far as you can estimate, how much of a Chinaman's pay roll goes for labor? I don't mean pay roll, I mean Chinese receipts goes for labor?

Mr. MARSHALL. I don't know what they pay those Chinamen.

Acting Chairman WEINSTOCK. How many hours do those people work?

Mr. MARSHALL. We can not exceed 54 hours, but on the particular class of work that competes with the Chinaman we do not get more than 45 or 47 hours.

Acting Chairman WEINSTOCK. Do you know how many hours the Chinamen work a week?

Mr. MARSHALL. As near as we can find out they work 18 hours a day.

Acting Chairman WEINSTOCK. Seven days in a week?

Mr. MARSHALL. No, sir; six days. They don't work Sundays. They go to church Sunday in the forenoon and in the afternoon they go down to the gambling places. We know that they are increasing rapidly.

Commissioner O'CONNELL. Could you give any estimate of the number of Chinamen in Boston?

Mr. MARSHALL. No, sir; I can not. I say that the directory will give upward of 600 Chinese laundries in Boston; laundries, not laundrymen.

Acting Chairman WEINSTOCK. Has your association kept tab on the increasing number of Chinese laundries from year to year?

Mr. MARSHALL. We are completely in the dark as to that, because they have not been classified. We have got them in the directory to separate the Chinese laundries from the other laundries. The Chinese laundries go by streets. It is easy to find them in the directory.

Acting Chairman WEINSTOCK. You couldn't tell this commission, for example, how many Chinese laundries there were in Boston four years ago, two years ago, etc.?

Mr. MARSHALL. I can not now, but we have some figures on this.

Acting Chairman WEINSTOCK. Will you furnish those to the commission?

Mr. MARSHALL. I can. I have heard it stated what they were; but I don't remember.

Mr. BUSIEK. If you will compile those figures and hand them to Mr. Sullivan, he will see that the commission gets them.

Mr. MARSHALL. I understand they have increased vastly in the number of hands they employ.

Acting Chairman WEINSTOCK. In what?

Mr. MARSHALL. In the number of hands these Chinese laundries employ.

Acting Chairman WEINSTOCK. The same laundries may be doing a much larger volume of business?

Mr. MARSHALL. Yes, sir.

Acting Chairman WEINSTOCK. You could not, of course, determine that at all?

Mr. MARSHALL. No, sir; we can not find out the population of the Chinese.

Acting Chairman WEINSTOCK. When was this concerted effort made, Mr. Marshall, to stop the smuggling of Chinese, so far as your people are concerned?

Mr. MARSHALL. Six or seven months ago.

Acting Chairman WEINSTOCK. Tell us the story.

Mr. MARSHALL. Well, the story is this: The Chinese problem has always worried the American laundrymen, and I was talking with a friend of mine in the machinery business—laundry machinery business—and he suggested, he said, "Why, it is a simple proposition for you people. Those Chinamen, if you want to raise some money, it seems to me you could kill them all right." With that statement to work on I went before the executive committee of the Massachusetts Laundrymen's Association, of which I was a member of the executive committee at that time, and I sprung that proposition on them, and they didn't seem to understand it. I gave it to them two or three times, and my idea was that the Chinamen in the United States—and I firmly believe now that 90 per cent of them are here illegally; if that could be shown they could be all put on board the boats and deported out of the country. I thought if the laundrymen of the United States could raise a kind of insurance of \$60,000 we could employ the Burns Detective Agency and accomplish that fact. I found out that the laundrymen throughout the United States were not as much interested in the Chinamen as we are here in Boston, because of the fact that they all seemed to be coming this way, and so that was dropped. I figured out then and there, and read a list off of the amount of money that I thought we could raise, and we totaled up after I had it set down \$9,000 and started a campaign against them here, and I set down a list of the cities, and we left out Salem and Lowell, the poverty-stricken cities, and did not raise any money there, but we did raise \$6,000 or \$7,000, anyway; and we employed the Burns Detective Agency.

Acting Chairman WEINSTOCK. What has been accomplished thus far? What is there to show for the result of the work?

Mr. MARSHALL. Nothing, only to discover that there is a number of them in here illegally. That is as far as I understand it. I have not followed it as closely as some of the others, although I received daily reports from the Burns people; I read them over and filed them away. There is quite a good many of them in here illegally that they know where to put their hands on them.

Acting Chairman WEINSTOCK. Has any effort been made thus far to deport those who are in here illegally?

Mr. MARSHALL. No effort as far as I know.

Acting Chairman WEINSTOCK. Then the mere information will do you no good if it is made no use of?

Mr. MARSHALL. We fear that those \$6,000 or \$7,000 that we have raised, among 30 members only, you understand—we took it out of the association's hands because we could not get to all those small laundrymen and the thousand and one people in the business, so 30 of us raised this fund in amounts of \$300, \$200, \$150; we would not accept less than \$50.

Commissioner O'CONNELL. How many white laundries are there in Boston?

Mr. MARSHALL. I couldn't tell you exactly. Steam laundries, I presume there are 18 or 20. I would have to guess at that.

Commissioner O'CONNELL. Have you got this in mind, when you made the other estimate of the Chinese laundries, when you make that will you also make an estimate of the other laundries and approximately the number of employees in them, the total number?

Mr. MARSHALL. Yes.

Acting Chairman WEINSTOCK. You raised this fund of how much, \$6,000?

Mr. MARSHALL. Between \$6,000 and \$7,000.

Acting Chairman WEINSTOCK. That was from 30 laundries?

Mr. MARSHALL. Yes, sir. Some of them that subscribed have not paid up.

Acting Chairman WEINSTOCK. Yes. Now, you have located a great many contrabands, but you have not made any effort to deport them?

Mr. MARSHALL. Why, we were confronted with the fact before we started in on this campaign, one of the committee and myself went down to the Immigration Bureau, and they told us that it was absolutely of no use to bring those cases before Judge Hayes and gave us a lot of talk that I don't remember. Then we went on raising funds, and we had everybody we know of shadowed by

the Burns people; they shadowed more people, really, than we wanted them to shadow; and then we went down and couldn't get any action on account of Washington, and were confronted with the statement that they did not have any funds to work with down there. I was not one of the parties who went to Washington, but we don't seem to be able to get action. We were told several weeks ago that they were going to go up to Pittsfield and pull a number of Chinese in there illegally, and our counsel here volunteered to go up with them, but we have not got them started; they have not got the biased judge there.

Acting Chairman WEINSTOCK. Is your association in position to furnish testimony in regard to those contraband Chinese?

Mr. MARSHALL. So far as the Burns people have secured it.

Mr. SULLIVAN. I have offered these four folios here, hoping that you would return them to me.

Acting Chairman WEINSTOCK. What effect would it have if this commission went to Washington and had Mr. Larned and Mr. Caminetti come before us and show cause?

Commissioner O'CONNELL. That will be the result later. There are some other people in Washington, too.

Mr. SULLIVAN. I might say this, that from my observation of this situation while in the United States attorney's office, and which have been confirmed by further investigations both at Washington and here, and particularly from reports that have been brought to us of opinions held by the Chinamen down in Chinatown, Boston particularly and Massachusetts generally, is a sanctuary for smuggled Chinamen. This is a sanctuary for smuggled Chinamen. If they can get in here they are safe.

Commissioner O'CONNELL. That seems to be the preponderance of the evidence that we have.

Mr. SULLIVAN. It is like in the old days, if the criminal could get within the Temple in medieval days it was a sanctuary for him.

Commissioner O'CONNELL. A city of refuge.

Mr. SULLIVAN. It is a city of refuge, and Massachusetts is a State of refuge for them because they are inactive.

Mr. MARSHALL. They are becoming arrogant, and it is a singular incident that most of them in the last few months, they have adorned themselves in very fashionable clothes. They tell me if you go out to the beach you will find them trying to catch the girls. And the reason they are coming here is because the people are in sympathy with them. The atmosphere here is of an æsthetic nature, and they want to go down to the church in the morning and down and gamble in the afternoon. There are dens of iniquity here in Boston, and that is why they congregate here. I could go on here and tell you a whole lot of stuff about their lustful methods, and the diseases which they have brought into the laundries, and things of that sort. It is really an appalling condition.

We have become much discouraged, the people who have spent all this money, for fear we are not going to get this action, and all this timber we have hewn down and lain in the sun, it is going to become warped and it will be of no good.

I for one think our own salvation is in the way of newspaper publicity. perhaps we will try and raise a fund and let the people know what they are really up against. I assure you that many of us people who are in the laundry business to-day would not be in it if we were not in it and have to stay in it under the present conditions that are confronting us with this yellow peril.

Mr. SULLIVAN. It is just as Mr. Marshall says, some of those dirty, filthy, diseased fellows who are here contrary to law and attending churches and Sunday schools in the morning, and, as we know, the gambling places on Sunday afternoon, receive their greatest protection and comfort from a lot of sentimental Sunday-school teachers. Why, they have gone so far—it is absurd—they went so far that they entered into this Columbus Day parade here last year; wasn't it?

Mr. MARSHALL. The last two years.

Mr. SULLIVAN. Made a very great display. They are very quick to catch on, pay court where there is some profit going to be yielded to them will affect any form or any custom in order that they may be understood to be harmonizing themselves with American life and to be in sympathy with it.

Commissioner O'CONNELL. Have you any idea, Mr. Sullivan, how many families there are here?

Mr. SULLIVAN. I have not. I don't think there are a great number.

Commissioner O'CONNELL. From the highest estimate it is around 25 I think,

Mr. MARSHALL. We understand the census is not complete, and the last census did not include the Chinese.

Commissioner O'CONNELL. Say there are 4,000 Chinamen in Boston, what do those 4,000 Chinamen do with their lustful desires?

Mr. SULLIVAN. They are playing upon the meretricious ladies.

Acting Chairman WEINSTOCK. Do women take the Chinamen here?

Mr. SULLIVAN. Yes.

Acting Chairman WEINSTOCK. They do?

Mr. MARSHALL. A Chinaman will give up all kinds of money. I don't want to butt in here.

Mr. SULLIVAN. Go ahead.

Mr. MARSHALL. I had a friend come out to see me about some lithographic work, and he told me he was talking to a police officer down in Chinatown one night and the officer told him they took a young girl out of one of the places in Chinatown a few nights previous to that. This is only one incident that occurs, and that she had sexual intercourse with 21 Chinamen at 50 cents a head. I presume that could all be verified. That is something recent that just happened to be told me in the private office. I had nothing to do with the Chinese business, but I know something of it.

Mr. SULLIVAN. If I may say something confidential at this time, I don't know what it amounts to, but here a few months ago, I think it was the Sunday afternoon I was going down through Chinatown, cutting through to the south station on the way to Washington, and an officer spoke to me. His face was familiar, and, of course, we have coming into the United States attorney's office and into the courts there, at least, police officers around the city, necessary witnesses in cases, so that I got to know a good many by appearance, at least, if I don't remember the names. He spoke to me, and I think his name is Sullivan. He is a roundsman there. He gave me to understand that the disposition of his captain, the captain of his division, was that he should not be of too ready assistance to the United States officials either in helping to discover smuggled Chinamen or smuggled opium, and that in one or two instances where he had loaned a hand to the Government officers he had been rebuked by his captain.

Those fellows conduct their gambling houses down there almost open, and it was intimated to me that the captain of the district was probably receiving his rakeoff, so that he said, "I see a strange Chinaman come in here, and green Chinamen every day, every day." But he says, "I have not reported it to anybody because I am given to understand it is none of my business." Any other offenses committed are promptly reported by officers, so that I think that some word brought to the attention of the police commissioner of Boston might be of some assistance to the Immigration Bureau, if they solicit their assistance.

Of course, our Government forces are really without any police-force service. We are dependent upon the police officers of the various cities. If they do not report to us, of course, there is much that will escape us, and it is only by cooperating with the police departments that we can get service. In all departments they get good service but because they cooperate with the local police force, and I think if the immigration office were to establish a cordial relation with the police heads in the city, in the various cities, they would get a lot of information which is now escaping.

Acting Chairman WEINSTOCK. Are there any other questions to be asked of the gentlemen? Have you any other questions, Mr. Busiek?

Mr. BUSIEK. No.

Acting Chairman WEINSTOCK. Thank you very much, gentlemen.

Mr. BUSIEK. I will keep in touch with you.

Mr. SULLIVAN. I will leave this report with you. From reading the reports of the investigator you will probably get some notion of how those fellows live and the hours they put in working in the laundries in Boston, in the Chinese laundries. I wish you would return those to me, Mr. Busiek.

Mr. BUSIEK. I will return those to you promptly.

Acting Chairman WEINSTOCK. The hearing stands adjourned.

SEATTLE, WASH., *Monday, August 17, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Garretson, O'Connell, Lennon, and Commons. E. H. Busiek, Esq., counsel, examining. W. O. Thompson, counsel.

Chairman WALSH. The commission will please be in order. Call your first witness.

Mr. BUSIEK. Mr. Tape.

TESTIMONY OF MR. FRANK H. TAPE.

Mr. BUSIEK. State your full name.

Mr. TAPE. Frank Harvey Tape.

Mr. BUSIEK. And your address.

Mr. TAPE. 1618 Thirty-fourth Avenue.

Mr. BUSIEK. Seattle?

Mr. TAPE. Seattle.

Mr. BUSIEK. You are in the United States Immigration Service?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. How long have you been in the United States Immigration Service?

Mr. TAPE. Since 1903.

Mr. BUSIEK. What have been your stations?

Mr. TAPE. St. Louis, Portland, and Seattle as stations, I have worked out of. I have worked in different towns all over the United States on special work.

Mr. BUSIEK. On special work?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. What is your compensation?

Mr. TAPE. I get \$110 a month.

Mr. BUSIEK. Have you any independent means?

Mr. TAPE. Have I what?

Mr. BUSIEK. Have you any other source of income?

Mr. TAPE. I have some private business on the outside.

Mr. BUSIEK. What is the nature of this business?

Mr. TAPE. Oh, little investments I made.

Mr. BUSIEK. What kind of investments?

Mr. TAPE. Well, I loaned money out.

Mr. BUSIEK. To whom?

Mr. TAPE. To different Chinese.

Mr. BUSIEK. Will you give the commission their names?

Mr. TAPE. Why, no; I never loaned it myself. I loaned it through a third party.

Mr. BUSIEK. Who is the third party?

Mr. TAPE. A Chinese here in town.

Mr. BUSIEK. What is his name?

Mr. TAPE. Why, I don't—

Mr. BUSIEK. Speak up, so the commission can hear you.

Chairman WALSH. Say, you omitted to swear Mr. Tape. You know we are swearing the witnesses. Hold up your right hand, please.

You do solemnly swear that the testimony which you are about to give at the hearing now pending before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TAPE. I do.

Chairman WALSH. Let the record show that the witness is sworn.

Mr. BUSIEK. Now, you said that in addition to your salary you have investments which are made through a third person, a Chinaman?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. And the question is: What is this Chinese name?

Mr. TAPE. The Chinese is Lew Mun—L-e-w M-u-n.

Mr. BUSIEK. L-e-w M-u-n?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Where does he live?

Mr. TAPE. Why, I don't know where he lives, to tell you the truth.

Mr. BUSIEK. Where do you meet him?

Mr. TAPE. He comes to see me, and I meet him in a Chinese store.

Mr. BUSIEK. And has he a place of business?

Mr. TAPE. No, sir.

Mr. BUSIEK. How much money have you placed through him?

Mr. TAPE. Oh, \$500 and more at different times.

Mr. BUSIEK. Five hundred dollars how many different times?

Mr. TAPE. And more at different times.

Mr. BUSIEK. About how much in a year's time?

Mr. TAPE. Well, I don't know. We keep rotating the money backward and forth.

Mr. BUSIEK. How much do you keep rotating?

Mr. TAPE. Anywhere from five to eight, nine hundred dollars.

Mr. BUSIEK. Five, eight, nine hundred dollars?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Have you any other business besides this loan business that you are engaged in and in which you have five or eight or nine hundred dollars?

Mr. TAPE. I have investments in canneries here.

Mr. BUSIEK. Investments in canneries?

Mr. TAPE. Cannery contracts.

Mr. BUSIEK. What cannery?

Mr. TAPE. I have contracts with Chinese in different canneries through a third party?

Mr. BUSIEK. Who is the third party?

Mr. TAPE. One Charley Yuen.

Mr. BUSIEK. What is his address?

Mr. TAPE. Why, he lives—he is found at King Chum Lum Co.'s store. That is where he has his headquarters.

Mr. BUSIEK. What is your income per year from this source?

Mr. TAPE. I don't know exactly. I think, last season, it was somewhere around eighteen or nineteen hundred dollars.

Mr. BUSIEK. And Chinese of what sort is that?

Mr. TAPE. Canning contracts.

Mr. BUSIEK. What kind of contracts?

Mr. TAPE. Contracting Chinese labor working in canneries, and we get so much for overpacking, you know.

Mr. BUSIEK. Does your name appear on any of these contracts?

Mr. TAPE. No, sir.

Mr. BUSIEK. Have you any writing with your partner in regard to this?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Have you a copy of it?

Mr. TAPE. I have—at the end of the season we settle up and have a regular Chinese—the regular writing in Chinese how much business we did during the year.

Mr. BUSIEK. Have you a copy of that?

Mr. TAPE. I have not with me.

Mr. BUSIEK. Can you produce it?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Will you produce it and give the commission a copy this afternoon?

Mr. TAPE. It is in Chinese, you will have to have it translated.

Mr. BUSIEK. We will have it translated. These payments are made at the end of the season?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. And there is only one settlement on that?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. And that amounted to about \$1,800 last year?

Mr. TAPE. I could not tell you just now exactly what the figures are. I have them in my book.

Mr. BUSIEK. In round numbers that was about \$1,800?

Mr. TAPE. Well, I can't state just now.

Mr. BUSIEK. We don't care for the exact figures right now, but it was over \$1,500, was it?

Mr. TAPE. Well, I don't know exactly, I have it all down on a book.

Mr. BUSIEK. When was this settlement made?

Mr. TAPE. One was made in 1912, and one nineteen—I had different ones.

Mr. BUSIEK. When was the one made in 1913?

Mr. TAPE. In 1912 was the last one I had with the canneries.

Mr. BUSIEK. What month.

Mr. TAPE. I think the settlement was made in around October.

Mr. BUSIEK. In October, 1912?

Mr. TAPE. I am not sure; October or November.

Mr. BUSIEK. What did you do with the money you got at that time?

Mr. TAPE. I kept it and invested it.

Mr. BUSIEK. Did you deposit it?

Mr. TAPE. Some of it I did and some I did not.

Mr. BUSIEK. About how much of it did you deposit in hundreds of dollars?

Mr. TAPE. I do not remember just now.

Mr. BUSIEK. Would you say that you deposited half of it at one time?

Mr. TAPE. I might have. I do not remember.

Mr. BUSIEK. Try to charge your memory. You say you received somewhere in the neighborhood of \$1,800, and you do not know how much of that—you could not come within \$100 of how much you deposited at that time?

Mr. TAPE. I can not right now.

Mr. BUSIEK. What other investments have you?

Mr. TAPE. You mean at the present time?

Mr. BUSIEK. Yes. Or, say, in the last year, what other productive investments have you had, or what other sources of income besides those mentioned?

Mr. TAPE. I do not—nothing else, I do not think.

Mr. BUSIEK. Nothing else.

Mr. TAPE. No, sir.

Mr. BUSIEK. About how much money did you handle last year in your personal account?

Mr. TAPE. I do not know.

Mr. BUSIEK. What bank did you keep your money in?

Mr. TAPE. National Bank of Commerce.

Mr. BUSIEK. Would you say it was as much as \$9,500?

Mr. TAPE. Last year?

Mr. BUSIEK. Yes.

Mr. TAPE. I never figured it up.

Mr. BUSIEK. You never figured it up?

Mr. TAPE. No.

Mr. BUSIEK. Would you say it was as much as \$9,500? I will ask you to examine these and tell the commission what they are [handing a number of slips to witness]. Are those deposit slips made by you?

Mr. TAPE. I can not say now.

Mr. BUSIEK. Well, do they look like yours?

Mr. TAPE. There is one here for \$500, June 16—

Mr. BUSIEK. Is that yours?

Mr. TAPE. I borrowed \$500 from a bank, and I think that is the day I borrowed it and deposited—another bank.

Mr. BUSIEK. What bank did you borrow it from?

Mr. TAPE. From the Specie Bank of Seattle.

Mr. BUSIEK. Where is that?

Mr. TAPE. It is up on Sixth Avenue between King and Jackson.

Mr. BUSIEK. Well, now, you have looked at some of those. Those you have looked at—do they contain your signature, Mr. Tape?

Mr. TAPE. No, sir.

Mr. BUSIEK. Have you any idea whose it is?

Mr. TAPE. No, sir; it is not my handwriting at all.

Mr. BUSIEK. Are you prepared to say that you did not make those deposits on the dates indicated on those deposit slips?

Chairman WALSH. Ask him whose handwriting that is.

Mr. BUSIEK. Do you know whose handwriting it is?

Mr. TAPE. No, sir.

Chairman WALSH. Ever see it before?

Mr. TAPE. No, sir.

Chairman WALSH. Do you keep a clerk?

Mr. TAPE. No, sir.

Chairman WALSH. Does any person in your family do clerical work?

Mr. TAPE. No, sir.

Mr. BUSIEK. Are you prepared to state that during the year 19—, during the last year, you have not had on deposit and checked out \$9,500? Is it not a fact, Mr. Tape, that this is a correct statement of your bank account taken from the books of the bank? [Papers handed to the witness and examined by him.] Have you your bank book with you?

Mr. TAPE. No, sir.

Mr. BUSIEK. Can you produce that at 2 o'clock?

Mr. TAPE. This bank book?

Mr. BUSIEK. Yes.

Mr. TAPE. It is in my lawyer's office now.

Mr. BUSIEK. Well, you can get it from your lawyer, could you not?

Chairman WALSH. Wait a minute. What was it you asked Mr. Tape to produce?

Mr. BUSIEK. His bank book.

Chairman WALSH. Covering what? With what bank and during what period?

Mr. BUSIEK. With the National Bank of Commerce and covering the last three years.

Chairman WALSH. Now, what did Mr. Tape say about producing that at 2 o'clock? What did you say about it?

Mr. TAPE. I have the book, but I left it in my lawyer's office with some other papers I have.

Chairman WALSH. When?

Mr. TAPE. About a month ago. I never turned it over to anybody; I just put it away there.

Chairman WALSH. What is the lawyer's name?

Mr. TAPE. A man by the name of Place up here.

Chairman WALSH. The first name?

Mr. TAPE. Victor.

Chairman WALSH. Victor Place?

Mr. TAPE. He hasn't it.

Chairman WALSH. How is that?

Mr. TAPE. He hasn't it.

Chairman WALSH. Well, where is it?

Mr. TAPE. I left it in—put it away up there.

Chairman WALSH. How is that?

Mr. TAPE. I put it away up there; gave it to a party to keep for me.

Chairman WALSH. Who did you give it to?

Mr. TAPE. Oh, I don't care to state.

Chairman WALSH. Do you refuse to state?

Mr. TAPE. I do at this time, but I can get the book.

Chairman WALSH. What?

Mr. TAPE. I will get the book.

Chairman WALSH. Why do you refuse to state?

Mr. TAPE. There is a party—I can get the book.

Chairman WALSH. Oh, you say you can get the book?

Mr. TAPE. Yes; I can get it. I will produce it.

Chairman WALSH. Produce the book here at 2 o'clock.

Mr. TAPE. Yes, sir.

Chairman WALSH. One minute. Is that your current book—the book you use now?

Mr. TAPE. I am not banking with that bank.

Chairman WALSH. Where are you banking now?

Mr. TAPE. Northern Bank of Commerce—no; Northern Bank of Trust, I believe, it is.

Chairman WALSH. Have you that book with you?

Mr. TAPE. No, sir.

Chairman WALSH. Where is it now?

Mr. TAPE. I have it home.

Chairman WALSH. Also produce that at 2 o'clock.

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Now, what other banks have you done business with in the last three years?

Mr. TAPE. No other banks.

Mr. BUSIEK. What is that?

Mr. TAPE. No other banks.

Mr. BUSIEK. Now, this \$1,800 which you say you received on your canning contracts you deposited part of that, and what did you do with the rest?

Mr. TAPE. Oh, I don't remember now.

Mr. BUSIEK. Spend it currently?

Mr. TAPE. I might have. I don't remember.

Mr. BUSIEK. Then there is a certain amount of that \$1,800 which don't show in the books of the bank at all?

Mr. TAPE. I might have deposited it all; I don't remember at this time.

Mr. BUSIEK. What are your living expenses a year—about?

Mr. TAPE. I never figured them up. I don't think they run over one hundred and fifty a month—everything.

Mr. BUSIEK. You drive an automobile?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. How much did the automobile cost?

Mr. TAPE. Two thousand three hundred dollars three years ago—over three years ago.

Mr. BUSIEK. You had an automobile before that?

Mr. TAPE. No, sir.

Mr. BUSIEK. You did not?

Mr. TAPE. No, sir.

Mr. BUSIEK. You say the automobile——

Mr. TAPE. I did have one. I bought one and traded it in for this one. I only had it for a month or so, though.

Mr. BUSIEK. And your present machine you have been driving for three years?

Mr. TAPE. Since May, 1911.

Mr. BUSIEK. Where did you get the money to buy that?

Mr. TAPE. My own money.

Mr. BUSIEK. What is that?

Mr. TAPE. Saved it.

Mr. BUSIEK. Saved it out of your salary as interpreter?

Mr. TAPE. Oh, not only as interpreter; I saved the money.

Mr. BUSIEK. Where do you get the money that you save?

Mr. TAPE. Oh, different little investments.

Mr. BUSIEK. Well, now, if you have neglected to give us any investments, I wish you would tell us now. You have stated that you had something like——

Mr. TAPE. That was before 19—the present year, though, that you have been asking me. This is before. This is 1911 and before that.

Chairman WALSH. One minute. At this point, why I would like to excuse Mr. Tape for the present, because that first witness has now arrived, and the sergeant at arms will show Mr. Tape where he can wait, because we will want to call you just as quick as we can get through with the other witness.

Mr. TAPE. Yes, sir.

Chairman WALSH. The sergeant at arms. Have a convenient place now, Mr. Sergeant at Arms, so that we can call Mr. Tape as soon as we are through.

(The Witness Tape was temporarily excused.)

Commissioner O'CONNELL. Mr. White.

Chairman WALSH. Call Mr. White.

Mr. BUSIEK. Just take that chair, Mr. White.

Chairman WALSH. Please be sworn.

(Witness sworn by chairman.)

TESTIMONY OF MR. HENRY M. WHITE.

Mr. BUSIEK. Please give us you full name, Mr. White.

Mr. WHITE. Henry M. White.

Mr. BUSIEK. And you are commissioner of immigration of the port of Seattle?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. When were you appointed, Mr. White?

Mr. WHITE. I was appointed the 20th of August last, but did not take office until the 17th day of November.

Mr. BUSIEK. And you succeeded whom?

Mr. WHITE. Mr. Ellis de Bruler.

Mr. BUSIEK. How long have you lived in Seattle?

Mr. WHITE. Just since my appointment. Previous to that time I lived in Bellingham, north of here about 100 miles.

Mr. BUSIEK. What was your occupation?

Mr. WHITE. Attorney at law.

Chairman WALSH. I beg pardon? Where did you say?

Mr. WHITE. I came to Bellingham from West Virginia in 1900.

Mr. BUSIEK. About how many men have you got working under you, Mr. White?

Mr. WHITE. Approximately 60. Now there are less than that—not that many inspectors, but I am including the entire number.

Mr. BUSIEK. How many inspectors have you?

Mr. WHITE. Well, I would have to look up more carefully as to that, but I think about 40.

Mr. BUSIEK. And they are distributed how? Please first outline your jurisdiction.

Mr. WHITE. The jurisdiction includes the entire State of Washington. That is as to all matters pertaining to immigration. As to the alien contract law, our jurisdiction takes in Montana, Idaho, Oregon, and Washington. But we haven't anything whatever to do with the Canadian border. Well, Sumas and Blaine, and Oregon on the east side, in the State of Washington, those stations are established and exist on this side of the line, yet they are under the jurisdiction and control of Montreal. They are known as the border service.

Mr. BUSIEK. Who is in charge of the work looking to the prevention of the smuggling in the border service now?

Mr. WHITE. Mr. Taylor, Richard H. Taylor, is in general charge of that, so I have been informed—instructed by the bureau.

Mr. BUSIEK. How long has he had that assignment?

Mr. WHITE. I think some time in April.

Mr. BUSIEK. Of this year?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. That is Richard Taylor, who has been special investigator for the immigration department?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. You have nothing to do, then, with the smuggling across the Canadian border; that is under Mr. Taylor?

Mr. WHITE. Well, no, sir; that isn't right in this, Mr. Taylor exercises the same control that the bureau would exercise in other matters, but the field work is presumed according to instructions from the bureau to be under my control in this district, but we are to report directly to Mr. Taylor.

Commissioner GARRETSON. You don't handle the border service on the Washington line extending east?

Mr. WHITE. No, sir; we don't handle the border, but look after smuggling in this district. The confines of this district, while it says to British Columbia on the north, yet their men extend over on this side. Just as soon as they get over on this side we are supposed to look after them, and we look after smuggling along the Sound and wherever it exists.

Mr. BUSIEK. Do you work in conjunction with this border service?

Mr. WHITE. We try to.

Commissioner GARRETSON. Exercising dual jurisdiction between you?

Mr. WHITE. Yes, sir; we have what has generally been described as a second line of defense officers stationed on the south side of the line principally in the northern county of Washington; that is, the country that borders on British Columbia. Those men when they pick up anybody they take them immediately back to the border to the Blaine office, and the Sumas office, and they are turned back over the line, and thus we are not put to the expense of going through the regular form of deporting them.

Mr. BUSIEK. You turn them over to the officers under Mr. Taylor at these offices?

Mr. WHITE. No, sir; at those offices to Commissioner Clark, of Montreal, that is in charge, and Mr. Xervic, the inspector, has control of them, acting through the Montreal office.

Mr. BUSIEK. Have you assigned any men in your office to the assistance of Mr. Taylor in this work?

Mr. WHITE. Well, yes, sir; Mr. Taylor recommended to the department or to the bureau that this work be taken out of my control entirely; that is, the smuggling. That was denied him. Then they instructed him, and sent me a copy of the letter, asking that we get together and arrange on a plan.

Mr. BUSIEK. Let me interrupt. What plan did Mr. Taylor propose for this work?

Mr. WHITE. That I am unable to say except this, that the bureau in this letter to me stated that they did not desire to follow the plan outlined in his telegram of, I think, the 19th of last month, I think that is the date, and would not do so unless it was absolutely necessary, and instructed me and instructed him for the two of us to get together and agree upon a plan. Then Mr. Taylor came to me. Up to that time he had been in the district since the

28th of June, and up to that time he hadn't come to me and hadn't advised with me about a single thing, but he then came to me and we talked the matter over and agreed upon trying to intercept the smuggling by water at the border line, the north line being out on the border. A man would be placed in charge of that border and this man would operate in a boat from Bellingham at this advantageous point. We placed that in the hands of Inspector Hamer, who is stationed at Bellingham, and through him I am in charge of that work.

Mr. BUSIEK. Did you assign anyone else to Inspector Taylor to assist him?

Mr. WHITE. No, sir.

Mr. BUSIEK. Did you have an interpreter?

Mr. WHITE. No, sir; I didn't assign anyone. He had assistants.

Mr. BUSIEK. From your office?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Who.

Mr. WHITE. Mr. Tape, Interpreter Tape, was assigned to him, or was taken by him and Inspector Turner, who was stationed at Everett, 40 miles north.

Mr. BUSIEK. Inspector Turner?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Did Taylor just come in and get Tape without any authority from you?

Mr. WHITE. Yes, sir. In answering that question I would like to go back.

Mr. BUSIEK. Very well. Just explain the whole situation, how Tape got to go with Taylor.

Mr. WHITE. Yes. I think I will go back to the starting, because it starts back. When I assumed office on the 17th day of November last Mr. Taylor was here investigating this district at that time. He came across with Secretary Wilson from Vancouver or Victoria. I then met him. I think I assumed office the day after I met him. He then told me who Mr. Tape was, the interpreter.

Mr. BUSIEK. Who told you?

Mr. WHITE. Mr. Taylor. Up to that time I had not met Mr. Tape and did not know there was such a man in existence.

Commissioner GARRETSON. What is Tape's race?

Mr. WHITE. Chinaman.

Commissioner GARRETSON. Full, half, or quarter?

Mr. WHITE. Full. He is an American-born Chinese.

Commissioner GARRETSON. Full blood?

Mr. WHITE. Full blood, so I am informed. I got that from hearsay.

Commissioner GARRETSON. Certainly.

Mr. WHITE. I have it coming from him as well as others.

Mr. BUSIEK. What did Mr. Taylor tell you about Tape?

Mr. WHITE. Mr. Taylor told me. First, it came up that he wanted me to secure a boat for the purpose of patrolling these waters, and asked me to designate, or detail, Mr. Tape to secure that boat, to buy it for the department. He then told me of what different trips he had taken with Mr. Tape, and about the different work that Mr. Tape had done; told me it was impossible for Mr. Tape to work in connection with the bunch here, as he styled them, the rest of them in this district; that he was unable to accomplish anything.

Mr. BUSIEK. Why?

Mr. WHITE. Because they would tip his hand on all occasions. He told me about the different detective work that they had done, and then he told me about the wealth of Mr. Tape's wife. He told me that she was very wealthy and had an income of several hundred dollars per month. That was brought out by reason of inquiry on my part how it was that he happened to have an automobile, being interpreter in the office. While he was here, I would say two or three weeks—that during that trip, probably a little longer than that; no, not any longer than that, just about three weeks. They asked me to come down town with them, ride down town with them almost daily from the office—the office is about 3 miles out from the city, the street cars run by, and during every trip I do not think there was a single exception, as I remember it, because my attention was attracted to it, it was so forcible. He told me about Mr. Taylor, what a valuable man he was and how loyal he had worked for him, how he would assist me in my work here. I was very favorably impressed with him by reason of those statements, because Mr. Taylor, I had understood, was an able man in his department. Then he wrote to me about Mr. Tape, who later was placed in charge of this work of intercepting Chinese smuggling.

Mr. BUSIEK. Let me interrupt. Have you a copy of that letter in your files that he wrote to you concerning Tape?

Mr. WHITE. Yes; I can give you all of the information—all of the——

Mr. BUSIEK. Will you?

Mr. WHITE. Yes. You have a copy of my telegram from the department, of the bureau's, instructing me to come here?

Mr. BUSIEK. Yes; and I do not think that would be in conflict.

Mr. WHITE. I do not think it would be at all.

Chairman WALSH. We are going to refer all of this anyway, and naturally the department does not know exactly what our activities are, you see. We are compelled to have a general understanding, but we understand very thoroughly they will understand it. You see we are handling all of this in executive session, and the details of it will never go out until they go to the department; so you may be perfectly free about submitting anything, as if it should turn out afterwards there would be something that they did not want in the record, it can be gotten back and expunged from the record. That is one reason why we are holding this executive session.

Mr. WHITE. Then I will submit them.

Chairman WALSH. Yes.

Mr. WHITE. I wanted to do that, but you appreciate——

Chairman WALSH. We will hand it back to you.

Mr. WHITE. I will get all of the copies of all of my correspondence and submit the entire file to you. The file will be relative to these matters concerning which I am testifying.

Mr. BUSIEK. Yes.

Mr. WHITE. Then, as I say, he was placed in charge of the Chinese smuggling. Almost as soon as he assumed charge he wrote me, suggesting that I detail Mr. Tape to see Special Agent Channing, of the Treasury Department, relative to one Malloy, who was suspected of smuggling. I wrote back and stated that I would see him myself; that I wanted to get acquainted with that department of work—he was in the Treasury Department, in an office in this building. I then received a second letter from Mr. Taylor, instructing me to detail Mr. Tape on this work. I then wrote him. Now, I may be wrong as to the number of letters received; I may be in error, but I think not, and if I am, I would like for the copies of the letters to correct any statement I may make as to that. I then wrote him, stating that I had seen Special Agent Channing myself, and did not deem it necessary or proper to detail an interpreter in the office on that work. The bureau then soon after that came through, stating that I had refused to follow instructions of Mr. Taylor in this respect, and asked me why. I answered that letter.

Now let me go back. Mr. Turner was stationed at Everett, 40 miles north, and his name was carried through all this correspondence in addition to Mr. Tape's. Mr. Hunter was stationed at Tacoma, 40 miles south. He had learned of certain suspicious actions on the part of Barker and Stone, two men over at Olympia.

Chairman WALSH. They were what?

Mr. WHITE. They were suspected of smuggling.

Chairman WALSH. And their names were what?

Mr. WHITE. Barker and Stone.

Chairman WALSH. Have any connection with the Government?

Mr. WHITE. No; but these instructions are carried along with them. I asked Mr. Hunter, Inspector Hunter, to continue his watching of those people over there. These letters also applied to Mr. Turner, instructing me to relieve Hunter from that detail; and send Mr. Turner from Everett down there to take charge of that work—Barker and Stone, in addition to Mr. Taylor. I explained that I did not think it was proper to relieve one man from work when there was no objection to his work, as far as I was able to ascertain, and I would not, unless I was ordered to do so, remove him from that work; that I would not detail Mr. Tape on secret work of our office unless I was absolutely ordered to do so. In the first place, I gave the reason for my refusal that he was an interpreter, a Chinese interpreter, and it is unfair to him, unfair to the office that I send him out on work of that kind, because it would make him an advocate rather than a medium through which these examinations would pass. Then I received a wire, signed by Commissioner General Caminetti, instructing me to send Mr. Turner down to Olympia, and to relieve Mr. Hunter, and instructing me to detail Mr. Tape on the Malloy

matter. Then afterwards I was told to detail Mr. Tape—instructed to detail Mr. Tape generally on smuggling—which I did.

Chairman WALSH. By whom, by the department?

Mr. WHITE. Mr. Taylor. Mr. Taylor then—during this time that I received these instructions I was quietly investigating Mr. Tape as to his expenditures. And that was one reason why I did not want to detail him on this secret work. I was suspicious of him, but I did not state that to the bureau, because I thought it was unfair to him until I had first come to a conclusion as to his guilt.

Mr. BUSIEK. How long was Tape working with Taylor?

Mr. WHITE. You mean on this detail?

Mr. BUSIEK. Yes; approximately.

Mr. WHITE. Let me see, Tape was detailed——

Chairman WALSH. One minute. Say, Mr. Langdon, you have made all your arrangements to be careful that this does not get out?

Mr. LANGDON. I have shut the door.

Chairman WALSH. Who is doing the transcribing out there?

Mr. LANGDON. The two operators that are with us.

Chairman WALSH. You have your own force?

Mr. LANGDON. Yes.

Chairman WALSH. That is all right.

Mr. WHITE. I haven't got the question.

Mr. BUSIEK. How long was Tape working with Taylor, approximately?

Mr. WHITE. Oh, yes. Now, do you mean at this——

Mr. BUSIEK. At this detail; yes.

Mr. WHITE. Let us see, Tape went to work on the outside, secret work, I think about the 15th or 16th day of June. That is as I recall it. But it is approximately that time. It might have been a few days before, but I don't think so. Mr. Taylor arrived here on the 28th day of June.

Mr. BUSIEK. Now, to go back, Taylor made an investigation of the Seattle office just prior to your coming here, did he not?

Mr. WHITE. While I was here.

Mr. BUSIEK. While you were here?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Have you ever discovered the nature of his report?

Mr. WHITE. No, sir.

Mr. BUSIEK. Do you know whether or not he made charges against anyone? Have you ever heard from the department?

Mr. WHITE. No, sir.

Mr. BUSIEK. Has any officer under you ever got notice to show cause for any wrongdoing, or were any charges ever filed against anyone as the result of Taylor's investigation?

Mr. WHITE. None that I ever heard of.

Mr. BUSIEK. Under the practice of your department, or of the Bureau of Immigration, when charges are filed against a man, or an adverse report made against a man, a copy of that report is sent him, is it not, and he is given an opportunity to answer the charges and findings?

Mr. WHITE. Yes, yes. Well, of course they are civil service, and if it is to the extent of charges, of course it would come under the regular régime of the civil service. But even after the investigation they didn't send anything to me of a complimentary character, as an investigation, or as to lack of work, or any particular work.

Mr. BUSIEK. Did they send you any communication criticizing the office?

Mr. WHITE. No; only since Mr. Taylor has been in the city this last time I received a wire from the department saying that Mr. Fisher was not cooperating—Inspector Fisher was not cooperating with Mr. Taylor in his work.

Mr. BUSIEK. He is up at Everett, is he—Mr. Fisher?

Mr. WHITE. No; he is in the city.

Mr. BUSIEK. He is here now?

Mr. WHITE. Yes; and they marked that confidential. I took it from the wording that I was not to say anything about that fact to Mr. Taylor, and they stated that Mr. Taylor would call upon me, or had been instructed to call upon me relative to Mr. Fisher's connection, and he never called.

Mr. BUSIEK. Now, did you make formal charges against Frank Tape at any time?

Mr. WHITE. On the 17th day of June last I wrote the department, in which I detailed evidence that I had secured relative to his expenditures, relative to his income and the work about the office, and asked that he be removed as interpreter in this district.

Mr. BUSIEK. What was done in reply to your letter?

Mr. WHITE. My letter was written on the 17th day of June, and on the 29th day—a letter dated on the 29th day of June—I received that letter the following week, in which they stated that they had detailed Inspector Bonham, of Portland, Oreg., to come here to make an investigation.

Mr. BUSIEK. Did they ever intimate that they would like to have Taylor make the investigation?

Mr. WHITE. No. I surmised that Mr. Taylor might want to make the investigation. I knew that he was very friendly, and I knew that every step that had been taken in connection with that matter and with other matters had been transmitted to Mr. Taylor by Mr. Tape. He was in daily correspondence with him. And then, too, I had received—been instructed—well, I will just explain. When I learned of the different—all of the matters against Mr. Tape, I called him into the office and told him what I knew, some of the facts that I knew, and talked with him about it, and told him then—I didn't have the bank statement then—that I would like to know the nature of his income and the amount of his income, and explained why. We talked then for a half hour, possibly, and he suggested resigning to me. He spoke, he talked about that. I told him that I wasn't in position to advise him about that matter at all, but that I was going to have, if anything—if it is possible, a clean department under me. And I wanted to know exactly his income, because I knew approximately what his expenditures were; that is, I at that time knew that he was spending over \$400 a month; but as it later developed, I didn't know what his expenditures were. We went out. He told me that his wife would not make a statement of her income. His wife had an income of something over \$300 a month.

Mr. BUSIEK. Did he say what source it was from?

Mr. WHITE. He would not state. And then I talked with him the next—no; he came in just after that and told me that he thought of a plan. The next day he told me this, that he thought of a plan, and that was to have me interview her attorney; that is, Attorney Victor Place here in the city. I told him that would be perfectly satisfactory to me. And then he talked again of resigning, and told me what his father was, and how much money he had, and how much money he was making, and the trouble that the different interpreters throughout the United States had got into. And tears came into his eyes, and he then talked of resigning. That was on Tuesday. I asked him then if he would make arrangements with his wife's attorney for me to see him, and he did so. I went to see this man and the next Monday I called Mr. Tape in and told him I had seen Mr. Place and that Mr. Place's statement was not satisfactory to me at all; that I wanted to verify their statements, and he refused to give me any facts whatever.

Mr. BUSIEK. Did Mr. Place corroborate Tape?

Mr. WHITE. Yes, sir; in his statements.

Commissioner O'CONNELL. Before we get away from that, just what was that \$400 monthly expense?

Mr. WHITE. I am afraid I am going to lose my connection. I will answer your question.

Commissioner O'CONNELL. I wanted to get that as close to the other part as possible.

Mr. WHITE. Yes; I will do that. I want to say as to Mr. Tape's manner. Then he talked about resigning. That Thursday I was told that through a conversation another lady had with Mrs. Tape that Mrs. Tape made this statement, that they had received a wire from Mr. Taylor, and Mr. Taylor told them to stand pat and fight it out; he would be here to assist him. Now, that was on Thursday, and on Friday I told Mr. Tape that the attorney's statement was not satisfactory; his statement was not satisfactory; and I would have to file charges if he didn't make a satisfactory statement. He simply said, "All right; I don't care anything about it"; and handed me a letter through official channels asking for investigation of his conduct, and then I made a written application for a statement of his income, and he gave me an answer in which he said he would not make it.

Chairman WALSH. He made the answer in writing?

Mr. WHITE. Yes, sir. Probably the commission would want a copy of that?
Chairman WALSH. Yes, sir.

Mr. WHITE. Therefore I knew Mr. Taylor and Tape were in almost daily correspondence relative to this matter, and for that reason and by reason of the fact Mr. Taylor was interested in it, in my letter to the bureau complaining of Tape's conduct, I stated that I had no objection whatever to an investigation being made, but that I did object to a friend of Mr. Tape's making the investigation, and then showed in this letter the friendship existing between Tape and Taylor, and I objected to Mr. Taylor making the investigation, and asked them to send some one who was not interested.

Commissioner GARRETSON. Without pulling you off—can you tell what is Mrs. Tape's nationality?

Mr. WHITE. She is American.

Commissioner GARRETSON. Did this lawyer give you any tangible list of her property?

Mr. WHITE. No, sir. He told me this, that she had an income of \$300, he knew that, per month. I asked him where that property was and what was the nature of it. He said it come from the estate of her deceased husband. I asked him where, and he said in the East, some place in Pennsylvania. I told him then that it must be by the will of the deceased husband, and he said yes. I asked him to give me the name of the county and I would write and verify his statement from that. He said he could not do it. I said, "Well, yes, sir; you can do it, unless it is your intention to deceive me in some way."

Commissioner GARRETSON. Unless he had some reason for not doing it.

Mr. WHITE. He said, "I can't do it for this reason—the will provides in the event she should subsequently marry, then this estate that exists there should go to his niece." And I said to him then, "It is very probable that trustees distributing an estate like that would not fail to see that she was married to Mr. Tape, which is subsequent marriage." "Well," he says, "she is drawing this money, and that is the reason she don't want to divulge it." Then I stated to him his statement was not sufficient, because I knew at that time she had no deceased husband whatever. She was divorced on the 3d of February, 1912, from Peter Sullivan, and he is now running a saloon at Dawson, Territory of Yukon.

Mr. BUSIEK. Did you ever look up that wire from Mr. Taylor to Mr. Tape?

Mr. WHITE. I was unable to find it.

Mr. BUSIEK. Did you make inquiry for it?

Mr. WHITE. Yes, sir. I asked the district attorney—I have been assisted materially in this matter by the district attorney—and I asked the district attorney for a subpoena issued against the two telegraph offices here asking for all telegrams passing between Mr. Taylor and Mr. Tape for the previous two months, and they stated they could not find a single telegram, those telegrams going to Buffalo, New York, and Washington City, but they stated they had over a million telegrams to check through by reason of my request, and I should have probably limited that to a few days, as I could have done, but I didn't do so, and I haven't received a copy of any telegram.

Commissioner O'CONNELL. Give us the principal items of this expense that amounted to \$400.

Mr. WHITE. He has a Kissel car, a car that eats gasoline very rapidly, runs less than 8 miles on a gallon of gasoline; he employs a chauffeur constantly. He came to our office daily in his car with his chauffeur; he lives out on Thirty-fourth Avenue, has a beautiful little home and has it very, very well furnished. I was in his home last January, about the 1st of January, and it is very beautifully furnished. His wife employs a maid. I found out as to some of his expenditures by going to Frederick & Nelson's department store. I found that in one year her bills in this department store was over \$1,000 and one year over \$800. I found that he had then about 16 accounts out, where he had dealt with different people. In that way I was able to estimate that his expenditures were over \$400 a month. He paid his chauffeur \$75 a month.

Chairman WALSH. Living expenses alone?

Mr. WHITE. His living expenses alone; yes, sir. Since that time, of course, I ascertained that his expenses—his checks out were \$795.30 per month for the last year. That is shown by the bank record.

Commissioner GARRETSON. Living at the rate of eight to ten thousand dollars a year, at least?

Mr. WHITE. At least that; yes. He would take trips; he is quite a hunter and fisher, and takes trips, and always has gold in his pocket.

Mr. BUSIEK. Did you find out how much money he had deposited in the course of the last three or four years?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. What are the figures, if you remember?

Mr. WHITE. Seven hundred and ninety-one dollars and one cent per month. That is from the 1st day of May, 1913, to the 12th day of June, 1914, but there was only one deposit in June, so that it was only one year and one day, I think.

Mr. BUSIEK. What was the department's reply to your request that Taylor be not assigned to this?

Mr. WHITE. Made no reply to it whatever.

Mr. BUSIEK. What did they do?

Mr. WHITE. They detailed Inspector Bonham, of Portland, to make the investigation. They made no reply to my request for a suspension in the event of an investigation, and no reply as to my request for his removal.

Commissioner O'CONNELL. Is he under suspension now?

Mr. WHITE. He wasn't, but Mr. Bonham sent a night letter to the department, to the bureau, some time ago and recommended his suspension, stated that if he was suspended it would be much easier for him to get evidence against him, and then they suspended him. Mr. Densmore sent a telegram suspending him.

Chairman WALSH. Suspending Tape?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Mr. Densmore is solicitor under the Secretary of Labor, I believe?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. He is the one who made the suspension?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Who was the other one from whom you got communications?

Mr. WHITE. Mr. Caminetti.

Mr. BUSIEK. Who dictated it?

Mr. WHITE. Roger O'Donnell, I think, dictated most of it.

Mr. BUSIEK. He is a solicitor there?

Mr. WHITE. I don't think he is a solicitor.

Mr. BUSIEK. Is he assistant commissioner?

Mr. WHITE. Mr. Caminetti and Mr. Larned are assistant commissioners, but Roger O'Donnell—I don't know just what his designation is, but he is one of the bureau.

Mr. BUSIEK. You requested, at the time you asked for the investigation; did you request Tape's suspension at that time?

Mr. WHITE. I requested his dismissal from the service, but, in the event that they desired to make an investigation, then I stated that I had no objection whatever to the investigation; but I stated that he should be suspended pending that investigation, because it was demoralizing to the office.

Mr. BUSIEK. They made no reply to you as to that?

Mr. WHITE. None whatever.

Mr. BUSIEK. Did your investigation of Tape lead you to investigate any other officer around here?

Mr. WHITE. Well, to some extent, not satisfactory to me. I tried to limit it to the one for the simple reason it was impossible to secure facts as to two at the same time almost.

Mr. BUSIEK. What inspector worked with Tape most all the time?

Mr. WHITE. Well, he worked, of course, in the Chinese division. Inspector Monroe is the head of that division. Inspectors Stewart and Mangold are in that division.

Mr. BUSIEK. What are the relations between Monroe and Tape socially?

Mr. WHITE. They were very cordial.

Mr. BUSIEK. Did Monroe and Tape always work together? Did Monroe ever use any other interpreter?

Mr. WHITE. Oh, yes, some; but Mr. Tape—of course, Mr. Monroe is in charge of that division, the Chinese division of the office. Mr. Tape had a very free hand in our office. He was not—we have two interpreters, Quon Foy is the other. I have been told he is the oldest interpreter in the service. Mr. Foy never had—probably he had them but he never exercised any rights in the office other than interpreter; he didn't want to do anything else. Mr. Tape acted in a clerical capacity, and he was detailed to make independent investigations outside. For instance, they would at times hand a record to him, and

say, "I have done all I could on this, and you see what you can do." Probably they wouldn't make that statement, but they would hand that record over to him and he would go down and interview Chinamen.

Mr. BUSIEK. He was doing an inspector's work?

Mr. WHITE. He was doing an inspector's work practically. He came to the office whenever he saw fit. I presume whenever he saw fit.

Mr. BUSIEK. Did you ever attempt to discipline him for that?

Mr. WHITE. I talked it over frequently with several men, members of the office—with Mr. Sargent, who was assistant commissioner, special, and talked it over with Mr. Monroe, and told him I disliked that work very much and I thought he wasn't doing the right kind of work. Then I was directed to this investigation of his conduct, and I then gave him as free hand as I could, let him do anything he wanted to do because I wanted to ascertain just what he had been doing.

Mr. BUSIEK. I should have asked before: Did Taylor ever commend Mr. Tape to you?

Mr. WHITE. Very highly.

Mr. BUSIEK. Even after you had voiced suspicions against Tape?

Mr. WHITE. Yes, sir. Mr. Taylor knew I had made these charges against Mr. Tape. He knew it in connection with them and knew the character of these charges when he came here. But he came here and took Mr. Tape out of the office absolutely and kept him on his secret work and was with him daily in his automobile and around with him, and generally were together. During the time that these charges were existing and were being investigated by Mr. Bonham, and previous to Mr. Bonham's arrival; in other words, absolutely ignored my request in the matter and gave him with Chinamen the assurance—or gave the Chinamen the assurance by reason of his conduct that Mr. Tape was in the best of standing with the department.

Mr. BUSIEK. That hampered the work of the investigation?

Mr. WHITE. Very materially in my judgment.

Commissioner GARRETSON. Let me ask one thing there. When you came here first as commissioner, and when Mr. Taylor—he was at that time in the capacity of inspector himself, wasn't he?

Mr. WHITE. Yes, sir; and is yet.

Commissioner GARRETSON. When he was in that capacity did he make a special effort to commend Tape to your consideration?

Mr. WHITE. Daily and every time I saw him.

Commissioner GARRETSON. When you were new, yet?

Mr. WHITE. Before I knew anything at all about the office.

Mr. BUSIEK. I believe you said before, you were favorably impressed with Tape by reason of that at first?

Mr. WHITE. Oh, yes; it influenced me materially.

Mr. BUSIEK. It was generally known here, was it not, that the woman Mr. Tape has now married, that he was living with her for several years as man and wife while she was yet undivorced from Sullivan?

Mr. WHITE. No, sir; that wasn't known. I didn't find but one man that knew that fact to exist since I have been making this investigation. By reason of his conduct he was so bold in everything he did that he frightened them out in that regard and it didn't seem to be generally known. It wasn't in the office, at least, and that wasn't known until I got it from the divorce record, from the county record in the courthouse, although it was known, and Inspector White—a man of the same name I am, but no relationship whatever—told me when he came here in 1911 that Mr. and Mrs. Tape were then living at the Calhoun Hotel, and she was going under the name of Mrs. Sullivan, but they were living together, and Mrs. Tape told him she was going under that name because of some property, and that it would affect her rights to that if she took the name of Tape.

Mr. BUSIEK. Have you ever heard the story that Mrs. Tape was not exclusive with her affections for Tape, and that she is a blackmailer here in Seattle?

Mr. WHITE. Oh, yes; oh, yes. I secured that. Yes, I secured that information, and I don't think there is any question about it.

Mr. BUSIEK. You are satisfied in your mind that that is straight?

Mr. WHITE. Oh, absolutely so.

Mr. BUSIEK. Have you ever heard of the case of the man who runs the Northern Hotel, that she has blackmailed him?

Mr. WHITE. Ralph Boyker; he told me himself.

Mr. BUSIEK. And he also claims to have been infected with venereal disease by her?

Mr. WHITE. Yes; he paid her \$400 to get some letters back. And I would like to say, gentlemen, that Mr. Boyker would dislike it very much for his name to be connected with that matter, so that it would get back to Mrs. Tape, for this reason. His wife sued him for divorce over Mrs. Tape, because of his relations with Mrs. Tape. Mr. Miller, of Miller & Lysens, attorneys, John F. Miller, former mayor of the city, represented Mr. Boyker in the suit, and through him it was patched up, and they went back together. Mr. Boyker is fond of his wife, but he is absolutely sure that if Mrs. Tape would make any demonstration toward him now it would lead to a separation of himself and wife, and for that reason he don't want his name to go back as giving any information to Mrs. Tape.

I wanted to make that statement because of his kindness toward me. He gave me information that I afterwards verified to be absolutely correct.

Commissioner GARRETSON. You don't want his house of cards to come tumbling down?

Mr. WHITE. Yes.

Mr. BUSIEK. Did the grand jury here ever act in the Tape matter?

Mr. WHITE. Only in this respect: Unfortunately this Tape matter came out in the paper. I stated to the bureau that I had been quietly making this investigation for about four months. I had kept it a secret as far as I knew. But in making these investigations I went to at least 20 attorneys, to the leading department stores in the city, and jewelry stores, and different places, and had gone to Portland and different places concerning this investigation, and had seen a great many different people, and had asked that this be kept quiet. But I feared its publicity unless action was taken soon, because the men in the district in the service were getting onto it, and of course it would be scattered from one to another. After my report went in, and on Monday, a certain Monday, the newspaper—the Post-Intelligencer—came out with a general statement of the facts. Tape is known by a great many people in the city, and it made a good story. They claimed that they got their information from Washington City. I think they got it here. I think that it came through my investigation. However, I may be mistaken.

But the grand jury was in session at that time. Of course the members of the grand jury read this article, because it was on the front page and it had big headlines, and they—no; that same day I went before the grand jury asking for the indictment of two smugglers that had been caught, Chinese smugglers that had been caught over here fishing on the island, and when I was before the grand jury they expected, evidently, that I would make a statement relative to the Tape matter, because this article said that I was going to bring it before the grand jury. I didn't make any statement of it. But they had had another smuggler that we had caught at Blaine, bringing Chinese in on his engine, who went before them, and he made a complete confession and implicated others. And they went into an investigation to see what kind of an inspection was made of the border and the Blaine office, and then took up the matter—the Tape matters and such as that. This smuggler stated to me; I asked him if he knew of any members of our force being in with the smugglers. "Oh," he says, "you have got a wiley Chinaman out there." I said, "Who do you mean?" He said, "Your interpreter." I said, "Which one do you mean?" "The little short fellow. The big tall fellow, he is no good; he belongs to the Government." Well, that referred to Tape as the short fellow and Quon Foy as the big fellow.

That led to a discussion on the part of the grand jurors. They called District Attorney Allen in, talked to him about it, wanted to know if they could not do something; that investigation should be made of it. He told them, after he thought the matter over, that the only thing they could do was to write a communication to the Attorney General, Attorney General McReynolds, and they did so. He drafted it, and they sent it in a personal envelope.

Mr. BUSIEK. They sent one to the Bureau of Immigration, did they not?

Mr. WHITE. No; as I remember it, they asked Mr. McReynolds to take the matter up with Secretary McAdoo and Secretary Wilson.

Mr. BUSIEK. With Secretary McAdoo in regard to opium smuggling?

Mr. WHITE. Yes; and Secretary Wilson as to the Chinese.

Mr. BUSIEK. Now, you have outlined what you did in regard to the investigation of Tape. Did you find any evidence as to his actual taking of money for false interpretation, misinterpretations?

Mr. WHITE. I secured some evidence; three affidavits from Chinamen to the effect that they had paid him money; that one of them had paid him money direct, and the others that they had deposited the money for him, and that he was there.

Mr. BUSIEK. Now, the charges in regard to the interpretation; were there charges that he would refuse to interpret properly so as to allow Chinese to remain who had no right to remain?

Mr. WHITE. As near as I can ascertain by talking to a great many Chinamen and attorneys for these Chinamen, he was no respecter of persons whatever. He thought that a certain sum of money was due him on every case that went through the office, and he tried to collect it this way: He would try to collect it; he would ascertain when a case was to be passed upon finally, and then he would go to the Chinaman interested and tell him: "I will get your man out to-morrow, or next month, or something if you will give me \$100, or \$50, or \$250." Now, in some instances he would get the money in that way. Other times he would interpret the case—now, this I am speaking in a general character here, because necessarily there are some particular cases that we could call your attention to to show this—Mr. Bonham is well posted in that regard—he would misinterpret a case when the Chinaman was first interrogated, his first examination, and would becloud the issue. In other words, there would be a discrepancy in the testimony of the Chinaman that would make it necessary to hold up that case. Then Mr. Tape would be detailed to make an investigation. In certain cases he would go out and tell the Chinaman: "This thing is wrong. Your statement is awful there. You give me \$200 or \$250" or whatever it was, "and I will fix up that case and land your son or your wife," or whoever it was. That was the way he worked the matter generally.

Mr. BUSIEK. Well, did the inspectors allow him a free hand to hold up cases?

Mr. WHITE. Well, whenever the inspector had reason to believe that the case was crooked—that was what we usually styled the case—or was wrong, was not a good case, then, whatever that reason was, they would hold up that case for further investigation. And you must remember it is necessary to hold up these cases. For instance, we have men coming in here, go to Florida, and we have to send to Florida to investigate; and Pittsburgh and different places all over the country. Now, those Chinamen in those cities have representatives here in the city, and the money is paid to him here, and then they get their money back from him after—from the father or whoever it is in those cities wherever they are.

Commissioner GARRETSON. Did you ever use duplication of interpreters on the same case to verify whether or not there was—

Mr. WHITE. No.

Commissioner GARRETSON (continuing). Errors; that is, willful errors?

Mr. WHITE. No; we do not, because when we got down—I made this investigation, and I was two months investigating this matter before I spoke to a single man in the Chinese division about it. In other words, I wanted to keep it as nearly secret as possible. I wanted to find out. I was new in the department and didn't know anybody there, and I did not know how far it extended. And Mr. Monroe told me, Mr. Bonham and myself yesterday, about a certain case where Mr. Tape made the investigation on one day, two students, and the next day he called the Chinamen back, and made another investigation by Quon Foy, and the discrepancies were absolutely eliminated.

Commissioner GARRETSON. What made me ask that question was from an outgrowth of my knowledge of what took place in another language, what was developed through that very plan.

Mr. WHITE. That may be very true, but Mr. Tape would know of that if you attempted it probably in our office.

Commissioner GARRETSON. It would be preventive if the practice was followed?

Mr. WHITE. Yes; I appreciate that is true. I do not believe, I do not think that he did much false interpreting, because that would be easily detected. But the Chinamen are easy prey.

Commissioner GARRETSON. They are used to intermediaries in their own country?

Mr. WHITE. Yes; they will come through if they think the man has got the power, and of course that put Tape in the position that he was, it gave him—gave the Chinamen every reason to believe that Tape was in an elevated position and could do as he pleased. That was Mr. Monroe's association with him

generally, and especially Mr. Taylor. Mr. Taylor associated with him constantly; they were together all the time that they were here, and it was bad.

Mr. BUSIEK. Taylor is known generally as the confidential man from Washington?

Mr. WHITE. Yes.

Mr. BUSIEK. And the big gun?

Mr. WHITE. Yes; especially that is true here, because Mr. Tape has spread that. Another thing before I forget it, I want to make this statement: It seemed peculiar to me—I am not making this statement against Mr. Taylor or anybody else, but I am giving this commission the facts—it seemed very peculiar to me that when Mr. Tape went before Mr. Bonham and made the statement of his income and attempted to explain it away that Mr. Taylor would come to me and make the same statement to me. In other words, Mr. Tape stated that he would draw out, try to show why there was such a large bank balance, he would draw out \$250 one day for the use and purpose of gambling, and in the next two or three days he would put it back, again deposit it. Now, Mr. Taylor, in talking to me about the case, explained how it was possible for him to do that, and possibly he did do that in order to elevate his bank account. I believe that he put Mr. Tape onto that scheme. That is my judgment. I may be wrong.

Mr. BUSIEK. Taylor was trying to justify Tape's bank account on the theory that he was gambling?

Mr. WHITE. He didn't say gambling; he put it that Mr. Tape was proud, and he would like to have as large a bank account as he could, and he would do that just for the purpose of making—

Commissioner GARRETSON. Self-aggrandizement?

Mr. WHITE. Yes. In other words, I believe he told people that in order to make it appear big. I do not think he had any reason to do that.

Mr. BUSIEK. Mr. White, what was the spirit of your force down there in regard to making any complaint against any other officer when you took charge? Had anything come up—let me put the question in this way: Had anything been done there prior to your incumbence of the office to discourage complaints being taken up by one officer against another?

Mr. WHITE. Well, this is a favorite expression that I heard when I went down there, when I became acquainted with some of the officers. There was one officer that is quite a wit, and there was a circular issued before I went into the office, some time before—and after that circular came out this fellow dubbed it "If you haven't got a graft of your own, don't meddle with the other fellow's." There was a circular that they styled in that way, some such expression; I don't know whether it referred to that or not.

Mr. BUSIEK. What was the purport of this report that you have reference to?

Mr. WHITE. Why, instructing the different officers in the district to cease making any complaints about the misconduct of anyone unless they would make those complaints in person to the officer in charge and be ready to substantiate them.

Mr. BUSIEK. That is, make formal charges?

Mr. WHITE. Yes.

Mr. BUSIEK. And did it also instruct officers not to talk about these things among themselves?

Mr. WHITE. Yes.

Mr. BUSIEK. Or compare notes?

Mr. WHITE. Yes; they used the word, I think, "tattling."

Chairman WALSH. Who was that?

Mr. BUSIEK. That was Mr. de Bruler.

Mr. WHITE. That was general to all the men in his office.

Mr. BUSIEK. Mr. White, I want to know now whether or not you think that Tape could actually carry on all this crookedness that you are satisfied he is guilty of, without the active assistance of some inspector?

Mr. WHITE. Well, he could not do it without the active assistance of some inspector. Whether he had the cooperation or not, I do not know. Mr. Tape, of course, came here under peculiar conditions. Now, this is hearsay on my part, because it was before I came in office. He was sent here especially to investigate this district, as I understand it, by former Commissioner Keith, and he made confidential reports as to the different officers in this district when he first came. By reason of that fact, he was given large latitude and was not, in fact, under the control of anybody in the district, so I have been informed. That has continued right along. But it does seem strange to me that

he could live with a woman here for about two years, and she be married to another man—the records are right here in the courthouse—and that condition continue for four or five years. They came here in 1908, and he took up with this woman, I think, in 1909, coming here from Portland, a different woman, a white woman—the theory being all the time that he was getting this income by reason of his wife's property. Now, that did look awfully funny to me. I do not know whether anyone else was in on it or not.

Mr. BUSIEK. The fact that Tape was corrupt has been current rumor in Seattle for years, has it not?

Mr. WHITE. Well, the different attorneys who practice before the office spoke to me about it, and Inspector Wood. I had not been in office a week until I was looking out of the window one day, and I turned around—no; in the laboratory, and I turned around and I said, "Well, Tape seems to have a good car." That was the first week I was in office. And this man Wood says, "Yes," he says, "there is something funny about that." And I says, "What do you mean?" "Well," he says, "I am not saying anything." He says, "We have instructions not to say anything. I am not saying anything at all. Take it back." I says, "Come on in here; I want to talk to you." So we went back in my office, and he told me some of his suspicions. He says, "Now, I do not know anything about it." He says, "We are not supposed to know anything about it," and he says, "I do not want to get in trouble over this thing." He says, "You are a new man." He says, "I did not mean to start anything." That is the first thing that made me suspicious.

Mr. BUSIEK. Monroe and his wife have gone on trips with Tape and his wife, have they not?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. So you have found out?

Mr. WHITE. Oh, yes.

Mr. BUSIEK. Mr. White, have you got the records in the Adelpia College case?

Mr. WHITE. No; I did not bring any of those records, for this reason: Mr. Monroe, you asked that he come, too.

Mr. BUSIEK. Yes.

Mr. WHITE. And Mr. Monroe is more familiar with those records and can give you more information than I, and they are not all prepared yet.

Mr. BUSIEK. I see.

Mr. WHITE. Because, you see, it takes some time to check through and get all of them, and they were not prepared Saturday afternoon.

Mr. BUSIEK. Now, speaking of Mr. Monroe, you have also heard the charge, have you not, that Tape has gone around and solicited this money and made statements that part of it had to go to Monroe?

Mr. WHITE. Oh, yes.

Mr. BUSIEK. Did you ever tell Monroe that Tape had made that statement?

Mr. WHITE. Oh, yes.

Mr. BUSIEK. Or that that was your information?

Mr. WHITE. Yes, sir.

Mr. BUSIEK. Did that cause the friendship between Tape and Monroe to be severed?

Mr. WHITE. No.

Chairman WALSH. What did Monroe say about that?

Mr. WHITE. Oh, he said there was nothing to it.

Mr. BUSIEK. And went on running around with Tape just the same as before?

Mr. WHITE. Yes.

Mr. BUSIEK. I believe that is all I want to ask.

Chairman WALSH. Do you want to ask any questions, Mr. Garretson?

Commissioner GARRETSON. No.

Chairman WALSH. Now, what do you know, if anything, about whether or not smuggling is going on? Is there any organization for that purpose, or if there are any persons in this vicinity who are under deep suspicion of doing that sort of work, just tell us the conditions generally about smuggling, so far as you have observed?

Mr. WHITE. Before Mr. Taylor came here, of course, then I was in possession of all the facts that our department had relative to Chinese smuggling, and kept in close touch with it. After Mr. Taylor came on, he was suspicious of me evidently, and for some reason he didn't give me any of his facts whatever. And I don't know what he did while he was here. Since he has gone I have picked up the chain, and we believe that a boat left here

Friday night at 6 o'clock, owned—this boat is owned by a man named Ming, and that he is engaged in Chinese smuggling. I got on the phone Mr. Hamer, of Bellingham, and I told them to go to Matty Island, a little island out from Bellingham, and to stand off there in an obscure position and watch for this boat. And we have men stationed now every night around here watching for its return. Now, that is the only one that I have been attracted to on smuggling. Of course we get a great many vague rumors as to smuggling, and there is no question but what smuggling was carried on on the Great Northern trains. They run through Seattle to Vancouver.

Chairman WALSH. Is there any effort made to check up the Chinese population, or to keep track of the strange Chinamen that might be in Seattle?

Mr. WHITE. None whatever.

Chairman WALSH. No means adopted by the Government to do that?

Mr. WHITE. No.

Chairman WALSH. What is the Chinese population of Seattle, approximately?

Mr. WHITE. Now, that I could not give you. It would be a guess.

Chairman WALSH. If a Chinaman gets into this country why he is immune, isn't he?

Mr. WHITE. Oh, it is just a haven of rest. In other words, we go around here and spend a lot of money—Mr. Taylor has been spending a lot of money to stop smuggling.

Chairman WALSH. Yes.

Mr. WHITE. It seems to me that you should stop the inducement for smuggling, which is the money. A Chinaman will pay a thousand dollars to get in here.

Chairman WALSH. He will?

Mr. WHITE. Well, now, that is, I am told that he will. Those two that we got said that they were to pay \$150 apiece.

Chairman WALSH. To whom, to this smuggler that confessed?

Mr. WHITE. Yes, sir. In other words, it is the most profitable business that one—in which one can engage, with the least possible chance of detection, in my judgment. It beats holding up a train any time or a post office or anything else, because it is very seldom that you catch one.

Commissioner GARRETSON. There is no effort made to keep a census?

Mr. WHITE. No.

Commissioner GARRETSON. Of the Chinamen in the country?

Mr. WHITE. A census was taken, as I have been informed, in 1895. Then a partial census was taken in 1905, but that was called off by reason of something, I don't know.

Commissioner GARRETSON. It would be worthless unless it was kept up?

Mr. WHITE. What?

Commissioner GARRETSON. It would be worthless unless it was kept up?

Mr. WHITE. Yes; it would have to be kept up. And it seems to me that that is the only way to stop Chinese smuggling, is to make it unprofitable.

Commissioner O'CONNELL. Have you given any thought, Mr. White, to bettering the laws or amending the laws in some way?

Mr. WHITE. I don't believe that the law needs any material amending as far as that is concerned. Now, I am young in the service.

Commissioner O'CONNELL. What would you think of this idea: Supposing the Government was to say that all the Chinese now in the United States, whether they are here legally or not, were to be given cards with their names on, and were to compel them, say within six months, to reregister, every one, and give them a new card. Then, after that six months had expired we would in the meantime organize a corps of investigators, a sufficient number of police force or whatever you might term them, to take charge of all these Chinese in the United States, and after the six months had expired any Chinaman found then or thereafter without one of those proper cards should be transported.

Mr. WHITE. Well, now, of course, that would be—in other words, you would start new?

Commissioner O'CONNELL. Absolutely new; clean the slate.

Mr. WHITE. Because we would find that some of our best Chinamen in the city of Seattle here were smuggled in years ago. They have no papers. But yet it dates back so that you can't deport a Chinaman, you can't get any facts, and so many Chinamen were allowed to remain in this country by reason of being found to be native born or something of that kind by court commissions. And, of course, their status is established absolutely, although it has been

found that quite a number of them have been smuggled in. Yet they were proved to be eligible at that time, and your idea is to simply accept them?

Commissioner O'CONNELL. Clean the slate.

Mr. WHITE. Yes.

Commissioner O'CONNELL. And commence over, and then we will say within six months any Chinaman that had not registered—of course, there would be some justifiable cause why a man would not be able to. He would have to prove that, sickness or something of that sort—at the end of six months then the police crews would examine all the Chinamen.

Mr. WHITE. That is the only way, something of that kind, of the only way that you are going to stop Chinese smuggling, in my judgment.

Chairman WALSH. One minute, Mr. O'Connell, have you the tentative suggestions supplied by yourself?

Commissioner O'CONNELL (addressing the witness). If you will take one of those.

Chairman WALSH. Let Mr. White have one of those and give us his opinion, and any suggestions that he has to make concerning it.

Commissioner O'CONNELL. Just take it with you.

Chairman WALSH. A proposed new law.

Mr. BUSIEK. I have given that to the Chinese consul. I will give it to Mr. White this afternoon.

Mr. WHITE. Very well.

Chairman WALSH. We ought to have plenty of those.

Commissioner O'CONNELL. We had a lot of them, but we kept giving them out. I have given all I had out, but Mr. Weinstock, at San Francisco, has plenty of them.

Chairman WALSH. We will see that one gets into your hands; and as quickly as you can, I wish you would give us your comment on it.

Mr. WHITE. Yes.

Chairman WALSH. Do it freely; don't have any notions that we have a preconceived idea. We want you to go over it and tell us just what you think about it.

Mr. WHITE. Yes; very glad to do it. Now, there is one thing, gentlemen, in connection with Mr. Tape that seems to me to be very peculiar, and it may be it brings that matter up just as you mention it. In 1911 there were, I think, about nine certificates stolen from the office, Chinese certificates.

Commissioner O'CONNELL. Yes; I heard about that. Explain that to us.

Mr. WHITE. Well, those certificates were taken, and it was one year after that that the report of their theft was made to the bureau. I don't know why. I don't know why that delay. But, of course, it is just like you steal a horse, if you want to report it, if that horse is found in somebody else's hands, you get it back. That ought to be the same with these certificates. Some Chinaman using these certificates, they would be taken up.

Commissioner O'CONNELL. Mr. Tape was called in and told about that, and he went out and got some of them?

Mr. WHITE. Mr. Tape was called in, so Mr. de Bruler told me, the other commissioner—Mr. Tape was called in and talked to about it, and he stated he would get them if he was allowed—or he would have to conceal the identity of the Chinaman that gave him the certificates. He was allowed to do so, and he got three or four of them. Two of them, I think, had been in Portland, and they never asked anything further.

Mr. BUSIEK. Monroe went along with him, didn't he?

Mr. WHITE. Yes.

Mr. BUSIEK. At that time?

Mr. WHITE. Yes.

Mr. BUSIEK. Now, how long after the loss of those certificates was reported to Mr. de Bruler, was the department at Washington notified of their loss?

Mr. WHITE. Mr. Stewart told me—he is the inspector—that he discovered those certificates in January or February, 1911, and the records show that they reported the loss of them in February, 1912.

Mr. BUSIEK. Was that over a year after the loss was reported?

Mr. WHITE. It was at least a year.

Mr. BUSIEK. Is there any further question?

Chairman WALSH. No; that is all. Thank you very much, Mr. White. You seem to have been doing a good job out here.

Mr. WHITE. Well, I would like to clean it up. But, gentlemen, the trouble with the administration end, in my judgement, is that there is not enough latitude to the different districts. It is too much confined to bureaus.

Chairman WALSH. The authority looks very much scattered. Easy to dodge responsibility.

Mr. WHITE. Absolutely so; absolutely so, and it destroys initiation—destroys individual responsibility.

Chairman WALSH. What could you suggest with reference to the fixing of the responsibility in a way that would minimize the selling of favors, etc.?

Mr. WHITE. It seems to me this—I don't know, but I have felt this—I thought that if I allowed Tape to continue in the service as he was and didn't know what his income was, and a man would come here from Washington and investigate, and find out what he was doing, and make that report and show that I hadn't done anything with the matter, that I ought to be fired. In other words, I believe we ought to hold the man in charge responsible for what is done under him, and not alone the man who does the unlawful act.

Commissioner GARRETSON. On the other hand, let us take the other side of that, Mr. White. Assume that the man who holds this power to discharge is the crooked fellow, what can you do to the honest man that stands against him to block his game under that situation?

Mr. WHITE. Well, I should say—

Commissioner GARRETSON. He can weed every honest man out.

Mr. WHITE. I appreciate that. Assume that the commissioner in this district is the crooked one. He, then, is responsible to the bureau, and if the bureau don't ascertain that and fire him they ought to be fired. In other words, there ought to be minute investigations. Those investigations should be known, should be carried on without the men in the field knowing; and when they come here they should make a careful investigation of the man in charge, and hold him responsible up to the extent that he can be fired for not doing his duty or for sins of omission as well as commission, because it strikes me that there is more graft in the department by reason of not doing a thing than there is by reason of doing them.

Commissioner GARRETSON. Sins of omission are as great as sins of commission.

Mr. WHITE. But that is not true as I see it in this service. As I see it in this service we simply go along. If a man gets better results by reason of his salary—as I see it in this district—those that have done the least have gotten the increase in salary over those that have been active. And that is the way I have seen it. I don't know, I may be wrong about it.

Chairman WALSH. What are Taylor's headquarters?

Mr. BUSIEK. Washington.

Chairman WALSH. You have his history in the record here, have you?

Mr. BUSIEK. Yes.

Commissioner O'CONNELL. We have got his special investigation.

Mr. WHITE. He is in Los Angeles now.

Mr. BUSIEK. He left here just before I got here.

Chairman WALSH. Could you wire him and get him up here?

Mr. BUSIEK. I think we might.

Chairman WALSH. All right. Much obliged, Mr. White. Very much obliged. We may want to see you a little later.

Mr. WHITE. Yes.

Mr. BUSIEK. I will furnish you with a copy of that right after lunch.

Mr. Bonham.

TESTIMONY OF MR. RAPHAEL P. BONHAM.

(The witness was not sworn.)

Mr. BUSIEK. Take that chair. Mr. Bonham, before we proceed, have you got a wire from the department?

Mr. BONHAM. No; I have not. I just wired them five minutes ago asking them to rush their answer.

Chairman WALSH. I want to make a little statement. I have taken this matter up personally, as well as Commissioners O'Connell and Weinstock, with the department and Secretary Wilson, and we have a general understanding of cooperation, you understand, an absolute one.

Mr. BONHAM. Yes.

Chairman WALSH. Now, of course, this matter of yours has come up, as many others have, as we go around, you see. We have been in Boston. We have had our investigators, and we have succeeded every place in not crossing lines anywhere. Now, this is the only thing that we are doing in executive session, and as I have said here to the others, to Mr. White, and as we were compelled to explain in Boston where a removal was made during the time of our session of the commissioner there, why this is not only confidential so far as the public is concerned, but it is confidential so far as the individuals are concerned who are connected with the Government. So you see if there is anything in here now that you subsequently may believe would affect your investigation or affect your relations with the department or anything, why you have our pledge that it may be withdrawn, you see, and expunged from the record. We have to have the cooperation of every person. Now, you are the first one we have met that has been so active in the thing, you know, or that really has turned up so much. Now, much of our private investigation has met your lines, and we are going to supplement what you do, perhaps, you know, involving persons considerably higher up, and it all comes to this, that we would like you to be just as free as you can with your information, understanding that you have the commission's pledge, and my pledge representing the commission—I am the chairman of the commission—that if there is anything afterwards that you think will interfere with the investigation, why we are going to take you for it individually and you can take us, and take it out of this record.

Commissioner GARRETSON. Or that will interfere with your tenure of office.

Chairman WALSH. Yes; or that will interfere with you personally.

Mr. BONHAM. Gentlemen, my tenure of office does not bother me as much as it does some people. Of course, if this commission comes to an end and I am stranded somewhere, I can go back on the farm if it is necessary.

Chairman WALSH. That is all right. I want you to know that so far as you are concerned now, any information that you consider might involve you in any way that you give to us from which we might pick up a thread at some other place away from here, why you can be sure that subsequently if there is any question raised about it, it will be expunged from our records and given back to you, that is all.

Mr. BONHAM. It is not my own fate that makes me have any reluctance, it is simply that I was sent here directed to make a confidential investigation. Now, it is more a matter of etiquette with me. I think it would be much better if the department would instruct me to give you every assistance.

Chairman WALSH. Yes.

Mr. BONHAM. And I wired them.

Chairman WALSH. You see how they can't do that. They don't know all of our investigators, for instance, and you see what you have run into here, people you would be guided to as being absolutely worthy of confidence, you see, so that it is impossible for persons as far off as they are in Washington not to have that sort of sustaining proviso, that it will not hurt your work?

Mr. BONHAM. My work is finished here, so that I don't see how it can possibly hurt it.

Chairman WALSH. You can go on with perfect freedom, as I say, and be sure if you want it taken out of this record, we will do so.

Mr. BUSIEK. The only limitation put upon Mr. Bonham testifying under the wire from Commissioner Caminetti is: It should not be incompatible with public interests.

Chairman WALSH. There is nothing we are doing that is incompatible with public interests.

Mr. BONHAM. That telegram does not apply to me. It applies to Mr. White and his subordinates; I am in another district.

Chairman WALSH. You can go the whole length with this commission; we are going further than you can possibly do, or Mr. Caminetti can possibly do.

Mr. BUSIEK. Please state your full name.

Mr. BONHAM. Raphael P. Bonham.

Mr. BUSIEK. How long have you been with the immigration department?

Mr. BONHAM. Since November 30, 1903.

Mr. BUSIEK. Where are you now stationed?

Mr. BONHAM. Portland, Oreg.

Mr. BUSIEK. When did you come to Seattle?

Mr. BONHAM. I think it was the night of the 16th of last month.

Mr. BUSIEK. Did you come pursuant to orders from Washington to make a certain investigation here in Seattle?

Mr. BONHAM. Yes, sir.

Mr. BUSIEK. And that investigation was of Mr. Tape?

Mr. BONHAM. Yes, sir.

Mr. BUSIEK. Prior to that time had you ever made any other investigation of any other officer in the service?

Mr. BONHAM. I only recall of one. The inspector in charge of the district of Oregon, where I am stationed, made a trip to China, leaving about the 30th of December, being gone three months. During his absence I had charge of the Oregon district, and I had an occasion during his absence to investigate Inspector Riley, of Astoria, whom I had directed to arrest a certain Hindu who had surreptitiously entered from Canada. This inspector reported he could not find this Hindu. I found the Hindu was still in the neighborhood and got hold of him and eventually I learned that the inspector had found him and released him for \$200. I finally, after 11 days' persuasion, induced the Hindu to confess his part in it and was able to corroborate those statements of his to a very remarkable degree. I know that Inspector Riley retained as his counsel Fulton Bros.—one of the Fultons is an ex-United States attorney—and when he came to Portland from Astoria and read the record he left me his badge and resignation and told me he didn't think the United States marshal would follow him to St. Louis where his home was, and he packed and left and didn't wait to hear the results from Washington. That investigation was completed a few months ago.

Mr. BUSIEK. Did Mr. Riley make any proposition to you in regard to holding up the investigation, and if so, tell the commission just what that was and what passed between you.

Mr. BONHAM. Well, Mr. Riley did make a proposition to me. He suggested this, that inasmuch as I was the only Democrat in our district, and second in rank in the State, that if I would defer this investigation until the inspector in charge returned from China, which he said would give him a fighting chance, then in case the inspector in charge did not drop the investigation, he would in turn prefer charges against the inspector in charge, on whom he had, or thought he had, some unpleasant matters, if they were exposed, and in the event he went out he would take him with him and leave me a clear field, and in the event he could not take him with him—in the event the inspector in charge dropped the proceedings, then I would be in a very secure position, because I would have it on both of them, as it were.

Mr. BUSIEK. Then his proposition to you was that you should hold up the charges against him, Riley, until such time as Barber got back from China, and in the event he had enough on Barber, I think that is the way he put it, was it not, that he had enough on Barber to take him with him?

Mr. BONHAM. Yes, sir; he said he had, and said what he lacked in evidence he would manufacture.

Mr. BUSIEK. But you say you completed your investigation of him and made your report, and he turned in his badge?

Mr. BONHAM. Yes, sir; he was dishonorably dismissed from the service. He had taken the examination, and I understand passed the examination for pure-food inspector, and that was his secondary line of defense. He thought he could force the acceptance of his resignation in case he became involved in our office. He was going ahead with his graft and keeping that open as a retreat, and he thought he could so involve others—his object in the service seemed to be to get some indiscretion on some one else, particularly his superiors, and then if he was called to account he would put the screws on them and force them to let him resign, and then he had this pure-food inspection proposition that he intended to fall back on. In my report to the department I suggested that his becoming pure-food inspector would be of very doubtful benefit either to the Government or to the public. I felt I would have to quit even catchup or things of that sort.

Mr. BUSIEK. Did you report to the Government in full the facts about his taking this money from the Hindu?

Mr. BONHAM. Yes, sir; I substantiated it with very complete, convincing, and circumstantial evidence that I believe would have convicted him in any court of law.

Mr. BUSIEK. Did the department ever institute criminal proceedings against him?

Mr. BONHAM. No, sir.

Mr. BUSIEK. Have you ever known of the department instituting criminal proceedings against anybody for aiding—for conspiring in smuggling Chinese or corrupting officers who have been accepting graft?

Mr. BONHAM. I have no personal knowledge of their taking such action against any of our own men.

Mr. BUSIEK. Have you ever known of them taking action—the department itself instituting proceedings against any man who was found guilty of aiding and abetting smuggling of Chinese and Hindus other than the one incident here in Seattle, which I will come to later?

Mr. BONHAM. No, sir; I haven't any personal knowledge of it.

Mr. BUSIEK. Have you ever heard of it?

Mr. BONHAM. I can not recall of any case.

Mr. BUSIEK. Have you ever had instructions from the department yourself to cooperate with the district attorney in cases where you had clear cases of smuggling?

Mr. BONHAM. No, sir.

Mr. BUSIEK. Now, you made this report on Riley how long ago?

Mr. BONHAM. I beg pardon.

Mr. BUSIEK. How long ago was it you turned in this report on Riley?

Mr. BONHAM. I can't give you the exact date.

Mr. BUSIEK. What month, approximately?

Mr. BONHAM. It was in February or March.

Mr. BUSIEK. Of this year?

Mr. BONHAM. Yes, sir.

Mr. BUSIEK. Then, when was it you were detailed to make this Seattle investigation of Mr. Tape?

Mr. BONHAM. I was detailed to make the investigation—I think the letter arrived in Portland about July 3. I had left that day with pack horses on a fishing trip, and they could not get in communication with me, and they had to wait until I got back 10 days later.

Mr. BUSIEK. You came up here then?

Mr. BONHAM. Then I came up here about the 16th of July.

Mr. BUSIEK. What assistance did the department furnish you in making this investigation? Did they outline the scope and give you any leads of any kind that you could follow up?

Mr. BONHAM. They simply told me to make a confidential investigation. I don't know just what they made by that. Before I got here the papers were full of the fact that Tape was under charges and that I was to make an investigation, so that the fact that I had been assigned was not confidential. I hadn't seen a reporter at that time or since, and I don't know where they got the information.

Mr. BUSIEK. Were you furnished with any sources of information by the department or any official thereof?

Mr. BONHAM. They instructed Commissioner White, of this district, to furnish me with a copy of the letter which he had addressed them, asking for the removal of Tape, in which he had set forth the reasons and grounds for the request.

Mr. BUSIEK. And did you have any assistance from one Richard Taylor in making this investigation?

Mr. BONHAM. No, sir; I didn't; certainly, although in fairness to Mr. Taylor I must say I didn't ask him to become my coworker in my mission.

Mr. BUSIEK. Why not?

Mr. BONHAM. That is a difficult question to answer. In the first place, my instructions were to make a confidential investigation, and I wouldn't for that reason have asked him, except I did suggest to him if he knew anything I would appreciate it if he would give it to me unofficially, and he said if he did know anything he would.

Another reason was that the letter, which I had a copy of, written by Commissioner White to the Commissioner General, asking for Tape's removal, contained a paragraph in which he strongly objected to the assignment of Taylor to the investigation of Tape on the ground they were very strong personal friends.

Mr. BUSIEK. Did Mr. Taylor substantiate that they were strong personal friends?

Mr. BONHAM. He spoke about their being friends, and I knew they were associated together. When I went down to call on Mr. Taylor he was out, and I

waited for him at his hotel, the Rector Hotel, and he finally came in Mr. Tape's machine. He said he used Mr. Tape's machine because it saved the Government expense and enabled him to get over the country rapidly, and he had every confidence in Tape.

Mr. BUSIEK. Did he say he had means of knowing whether Tape was straight or not. Did he ever tell you about having investigated him or having investigated the Seattle office and found Tape was O. K.?

Mr. BONHAM. I think he mentioned once having investigated Tape in St. Louis and having found him all right.

Mr. BUSIEK. You knew Mr. Taylor had investigated the Seattle office, didn't you?

Mr. BONHAM. I knew he had made investigations up here; I didn't just know the scope of them.

Mr. BUSIEK. Your inference was that Mr. Taylor thought Mr. Tape was all right. Was that a fair inference from your conversation?

Mr. BONHAM. Oh, he said so very plainly.

Mr. BUSIEK. Did he tell you what he expected your findings would be, whether favorable or unfavorable?

Mr. BONHAM. No, sir; he didn't intimate at all.

Mr. BUSIEK. Did he ever attempt to justify anything concerning Tape? For instance, Tape's expenditures; did he ever attempt to explain to you where Tape got the money?

Mr. BONHAM. As I recall it, I wouldn't want to be positive, but, as I recall it, he said he had always understood that the money came from his wife, and that the statements as to his expenditures he thought had been largely exaggerated; as to Mrs. Tape's fine clothes and employment of a maid, and all that, he seemed to think it was not justified by the real conditions.

Mr. BUSIEK. Did Taylor ever speak to you about Tape's relations with these women he has lived with? Did you ever discuss that with Taylor—mention the fact that Tape was living in adultery, or had been, with women?

Mr. BONHAM. I have no recollection of having done so. I never discussed the matter with Mr. Taylor very freely, for the reason that my mission was confidential, and I didn't feel I should discuss matters with him which the bureau might not approve, and then possibly his attitude made me a little reluctant to be as free as I might otherwise have been.

Mr. BUSIEK. Mr. Taylor, of course, knew you were here making an investigation?

Mr. BONHAM. Yes, sir.

Mr. BUSIEK. Did he ever try to sound you out and find out what progress you had made?

Mr. BONHAM. Mr. Taylor never called upon me at any time. I called upon him once at the Rector Hotel, and I met him once for a few minutes at the immigration station.

Chairman WALSH. I believe we might shorten this by having Mr. Bonham state the substance of any conversation he had with Mr. Taylor with reference to Mr. Tape or any other Chinese matter.

Mr. BONHAM. I don't believe the commission would be particularly interested in any conversation had with Mr. Taylor, because, as I have related, I didn't feel Mr. Taylor was taking me into his confidence, and I didn't take him into my confidence for that reason.

Chairman WALSH. You did not have any conversations bearing on Tape's honesty or dishonesty, or the condition of the affairs of the department, so far as Chinese were concerned, or the smuggling of them, or the handling of Chinese; is that correct?

Mr. BONHAM. I think, as I recall it, Mr. Taylor asked me if my investigation so far had connected Tape up with smuggling of Chinese, and I told him I had nothing at that time definite on that subject.

Chairman WALSH. When was that, that that conversation took place?

Mr. BONHAM. I think I can give you the date, if you will wait a minute. I think that was on the 23d of July that I called on Mr. Taylor at the Rector Hotel.

Chairman WALSH. The 23d of July of this year?

Mr. BONHAM. Yes.

Chairman WALSH. Then you have never taken any written statement from Mr. Taylor?

Mr. BONHAM. Oh, no.

Mr. BUSIEK. You have investigated Mr. Tape's bank account, I believe?

Mr. BONHAM. As far as I was able to do it.

Mr. BUSIEK. And found that within the last year he has deposited and drawn out something over \$9,500?

Mr. BONHAM. That is correct.

Chairman WALSH. When you took the matter up with Mr. White?

Mr. BONHAM. Yes.

Chairman WALSH. Have you or have you not received the cooperation of Mr. White in your endeavors to uncover the real facts?

Mr. BONHAM. The fullest cooperation.

Chairman WALSH. You have worked with him as far as you could?

Mr. BONHAM. Mr. White has given me every assistance that it was possible for him to do.

Chairman WALSH. Did he have the details of the bank account of Tape?

Mr. BONHAM. The United States attorney had the monthly statement for 12 months.

Chairman WALSH. And have we those in our files?

Mr. BUSIEK. Yes.

Chairman WALSH. He verified those?

Mr. BUSIEK. Yes.

Chairman WALSH. And you did not verify those?

Mr. BONHAM. I accepted them to be correct.

Mr. BUSIEK. These are copies prepared by the bank?

Mr. BONHAM. On subpoena.

Chairman WALSH. You did not go any further than that?

Mr. BONHAM. I did this; I took this and checked the copies of deposits, and tried to trace some of the checks and trace them through the clearing house, and then I tried to trace them from the clearing house back to the payee to see with whom he was dealing, but it was a very difficult process.

Chairman WALSH. Were you able to find any specific cases where he received money corruptly from any Chinese or others?

Mr. BONHAM. Nothing that I could prove through the check. There was one case where we traced a \$50-check to the First National Bank, and went through their records and found that on that day they had charged the account of Charles Yuen, a Chinaman, \$50, and by a system of elimination we concluded that none of the other men that have dealt with Tape were anything but white men, business men here in the city. So I got Charles Yuen down here. He was up in a cannery, and he told me he had never paid Tape a check, but he claimed that he had paid Billy Dong a check on or about that time, and that Billy Dong may have transferred this check to Tape.

Mr. BUSIEK. Billy Dong was generally supposed to be a collector?

Mr. BONHAM. I have the direct testimony of Chinese that Billy Dong in many cases has collected money that Tape has extorted and exacted from Chinese, and he is generally known as one of Tape's collectors.

Chairman WALSH. A Chinaman?

Mr. BONHAM. A Chinaman.

Chairman WALSH. At this point we will adjourn until 2 o'clock.

(Whereupon, at 12.30 o'clock p. m., Monday, August 17, 1914, an adjournment was taken until 2 o'clock p. m. of the same day.)

AFTERNOON SESSION.

Chairman WALSH. The commission will come to order.

Mr. BUSIEK. I would like to recall Commissioner White for just one question.

TESTIMONY OF MR. HENRY M. WHITE—Recalled.

Mr. BUSIEK. Mr. White, I want to ask you whether or not you ever had any conversation with Mr. Taylor in which you called attention to the fact that he had been successful in detecting opium smuggling but had gotten no results in Chinese smuggling?

Mr. WHITE. No; not just that way. The first conversation I had with him relative to opium smuggling was in my office out at the station. He there stated that he knew all the opium smugglers in this district, and would be able in the course of two weeks to run down and capture all opium smugglers; that he had the information on them at that time. I remarked to him and said that it was our practice if he had such information to turn that information over to the Treasury Department, the collector of customs here, in con-

nection with that. And he remarked to me, he said, "Before I do that they will come through with some Chinese dope. I will trade, but I won't give it to them." And then later than that—that is the conversation you had reference to, was it?

Mr. BUSIEK. Yes.

Mr. WHITE. Then later than that, walking down Cherry Street, between Third and Waterfront, he told me that he was then in possession of the facts as to all opium smuggling. He said he knew every opium smuggler in this district, knew where they hung out, knew them by their first names, and just a week previous to that time he knew of their loading a boat with opium in Vancouver, and its coming over here, and where they docked and unloaded their stuff. He had all of those facts. That conversation came up in connection with the matter that I asked him if he was sure that this man Bing was a Chinese smuggler, but wasn't he rather an opium smuggler. He said, "No; he was not," and then went on to tell me what he knew about the opium smugglers.

Mr. BUSIEK. Did he make a single capture of Chinese smugglers during the time he was at work?

Mr. WHITE. No, no; and gave us no information upon which we could work, whatsoever.

Mr. BUSIEK. That is all.

Chairman WALSH. That is all.

Mr. WHITE. Then I can be excused?

Chairman WALSH. That is all.

TESTIMONY OF MR. RAPHAEL P. BONHAM—Recalled.

Mr. BUSIEK. Now, Mr. Bonham, if you will resume. Now, Mr. Bonham, I think the last question before we adjourned was in regard to the intermediaries between Frank Tape and Chinese with whom he did business. You started out to tell about some direct testimony that you had on that subject.

Mr. BONHAM. You asked me whether I had had any success in tracing a check, and I was relating the nearest I came to the tracking of that check.

Mr. BUSIEK. Well, getting off of the subject of the check, did you have any direct testimony of any kind as to Tape's receiving money from Chinese?

Mr. BONHAM. Yes; I have a considerable amount of direct testimony given by Chinese who under oath have themselves declared that they through stress of circumstances have been compelled to pay Tape money themselves, many of them, and some of them, through others.

Mr. BUSIEK. In what amounts?

Mr. BONHAM. Various amounts, I think \$100 and \$200 seem to be the prevailing amounts. It seems very frequently he would demand a larger amount and then would compromise on \$50 or \$100 less than the first demand. Possibly he would demand \$150 and take \$100, and demand \$250 or \$300 and finally accept \$200.

Mr. BUSIEK. For what would he demand this money?

Mr. BONHAM. He claimed, so they testified, that it was within his power to expedite and cause the landing of friends and relatives in whom they were interested, or, on the other hand, to cause their rejection and deportation, that it lay with him and he had the power to either help them or injure them.

Mr. BUSIEK. Did you find any instances of where he caused the rejection of proper persons because they refused to pay?

Mr. BONHAM. I did. Several witnesses testified that because they refused to pay him money that he exacted from them, he misinterpreted the testimony; browbeat the witnesses, and caused their final and ultimate rejection and deportation to China.

There was a man who just returned from China recently who related a case where about two years ago he brought his wife; he was landing as a merchant, and went to a store in Chinatown waiting for his wife's case to be passed on, and Tape came to him four different times and demanded money, and he stood upon his rights as a bona fide merchant and the fact that the woman was his genuine wife and refused to pay. The woman was finally deported and the case was appealed to Washington. This man alleged that Tape deliberately misinterpreted her statements; created discrepancies in the record, and the record went to Washington on appeal and upon the reviewing office there having the cold discrepancies in the record, it passed upon them and sustained the office here who had rendered an adverse decision.

Mr. BUSIEK. It is possible, in fact easy, for any corrupt official as an interpreter, is it not, to make a record that will cause any certain result to be reached, either approval or rejection?

Mr. BONHAM. I would say it was possible for an interpreter to impose upon an inspecting officer occasionally in that way without the inspector's knowledge. It is rather remarkable a man would be able to continue a practice of that kind for years without the knowledge or connivance of an examining inspector.

Mr. BUSIEK. In what other ways would Tape extort money, as disclosed by your investigation, other than causing the rejection of bona fide residents?

Mr. BONHAM. I have some testimony, not as conclusive as some of the other, that he would go to Chinese who were smuggled into the country, telling them he knew they were smuggled in and exacting tribute from them for his protection.

Mr. BUSIEK. Did he ever get money from Chinese for the purpose of admitting improper cases?

Mr. BONHAM. I am well convinced that he did, but the Chinese who testified before me, you must remember, are Chinese who did not get value received, or feel they did not. They were aggrieved. Those who were not entitled to admission and whom he helped get in for a consideration are fearful of deportation and arrest, and there is no incentive or reason for them testifying. The Chinese are fearful of reprisals. They have testified to me that there is a report circulated that he has remarkable influence with the department and that it is impossible to get him out, and that later they will be punished as well as all that had anything to do with the exposure of his corruption.

Mr. BUSIEK. He has also been charged in court here, has he not, of having extorted money under such circumstances?

Mr. BONHAM. That I can't say. I have heard that in one case his honesty was questioned in court, but I have never seen the record.

Mr. BUSIEK. Has Inspector Monroe's name been linked with his in these charges?

Mr. BONHAM. Frequently.

Mr. BUSIEK. What have you found out as to their working together?

Mr. BONHAM. Mr. Monroe is in charge of the Chinese division, reviews the reports of the other officers, prepares the briefs and arguments in the cases that go to Washington. And the Chinese have testified that frequently when they would be asked or required to give Tape money they would complain of the amount that he demanded, and he would frequently answer that it was not all for him, that he had to divide with the immigration men in this district, sometimes naming Monroe, I think, and I think in only one instance has the name of any other inspector been named in any testimony that I have. And the reason of that may be that it would give Tape an excuse for demanding more money. It would naturally prevent a Chinaman who felt aggrieved, and that his case was just, from going to the inspector over the interpreter and complaining, because if he believes that that inspector is involved he would be stopped from going over the interpreter's head. And then again it might be true. But it would probably be said by the interpreter in collecting this money, whether or not it were true; he would probably so allege to the Chinaman for his own benefit and protection.

Mr. BUSIEK. Have you ever taken the matter up with Monroe and told him that these rumors—or that Tape had made these statements?

Mr. BONHAM. Why, it has been mentioned in conversation. Mr. Monroe has not seen any of the testimony that I have secured. Mr. Monroe has mentioned the fact to me that he did not doubt that he would be accused, and he mentioned that in a personal communication to me months ago on another case where charges were first started openly in this district, as far as I know, against any specific extortion on the part of Interpreter Tape.

Mr. BUSIEK. Has that made any difference in the social relations to Tape that you have been able to observe, the fact that Tape has drawn him into this?

Mr. BONHAM. Well, I know absolutely nothing as to their social relations through observation. I have been told that Mr. and Mrs. Monroe and Mr. Tape and the supposed Mrs. Tape have been frequently in company together, as late as last Decoration Day, when they spent the holiday together at some resort, but I know nothing of that of my own knowledge, just talk among the men here in the service who have discussed this case to me unofficially since I have been here.

Mr. BUSIEK. The point I was trying to get at is this: Since Monroe knows that Tape——

Chairman WALSH. Let me suggest, he said he had not had personal observation, and we have already had that testimony. We can get it through others. He has not been in a place where he could see Tape and this man.

Mr. BONHAM. No; I know nothing about that.

Chairman WALSH. One minute, before I forget it. Where are these affidavits, the result of your investigation? Have they been sent in to the department?

Mr. BONHAM. No, sir; I have just completed the taking of testimony here and have some more to take in Portland, Chinese down there that have had to pay him money, I am told, in certain cases.

Chairman WALSH. How many affidavits have you? How many instances have you dug up?

Mr. BONHAM. I would have to just estimate it. I suppose a dozen, maybe; possibly not a dozen who have themselves handed him money, but a dozen who have been asked to give him money, or who have given him money by either their own hand or through the hand of another.

Chairman WALSH. When do you think you will have that ready to send to the department?

Mr. BONHAM. I would say that I ought to have it completed within a week.

Chairman WALSH. Within a week?

Mr. BONHAM. Yes.

Chairman WALSH. And you will then send it direct to Washington?

Mr. BONHAM. To Washington.

Chairman WALSH (to Mr. Busiek). Make a memorandum and get that as soon as he sends it to Washington and add it to the record here.

Commissioner LENNON. Who do you direct it to at Washington?

Mr. BONHAM. The Commissioner General of Immigration.

Chairman WALSH. Have you got copies of the affidavits?

Mr. BONHAM. Why, they were not in the shape exactly of affidavits. I simply swore the witnesses and took it in the form of question and answer. I believe it is much better than an affidavit.

Chairman WALSH. Have you any objection to giving us for record here the names of the witnesses?

Mr. BONHAM. I would have no objection.

Mr. BUSIEK. Mr. Bonham, have you had any conversation with Tape in regard to these charges?

Mr. BONHAM. I have.

Mr. BUSIEK. Have you given him an opportunity to explain these suspicious circumstances?

Mr. BONHAM. I wired the bureau and requested them to specifically authorize me by wire to call upon Mr. Tape for an explanation concerning his marriage and his revenues and his expenditures. I said they had caused unfavorable comment to the department, the service; and the bureau wired me, told me to call upon him, and in case of his refusal to notify them.

I did call on Mr. Tape at the immigration office and told him, asked him to make a statement, and he made a statement finally, refusing, however, to state when and where he was married to the woman with whom he now lives, but alleging that he was a married man only, giving me no information so that I could verify his bald statement. I asked him if he was married to a woman with whom he lived in Portland while he was there, called Pearl, and he refused to answer, admitting, however, that he lived with her, admitting in his statement to me that he lived with this woman here in 1910 and 1911, and he admitted, as the court records show, that she was not divorced from her husband until February, 1912.

Mr. BUSIEK. I have got the record.

Mr. BONHAM. And then, when I called upon him for an explanation of his expenditures, he declined to make the explanation if it were to be shown to the immigration officers here. I told him that I would transmit it direct to Washington and would not show it to them, if he would proceed with his explanation, and that statement has never been seen by anyone.

His explanation, I told the bureau, I considered a preposterous fabrication and an explanation that did not explain, and advised them that, in my opinion, his immediate suspension was proper. They came back very promptly and suspended him. I advised them that his suspension would expedite my investigation; that Chinese were afraid to testify. I found that condition com-

non. They were afraid to testify because they thought Tape would be in a position later to punish them; he might be exonerated and protected by some sinister and powerful influence; they did not know just where it was, but some thought it was in Washington and some thought elsewhere. And they were afraid, also, some of them, that the fact that they had paid Tape would be held against them by the office here. And, as I have said before, those that had any—they got value received and had no incentive to testify, and only those that felt aggrieved have been willing to testify.

Mr. BUSIEK. How did Tape account for all the money he got?

Mr. BONHAM. He said he was a gambler and won it at gambling. I asked him to enumerate the men from whom he won it, and he said he could not do that without their consent. However, he named one attorney here, whom I took a statement from, and this attorney said he never gambled with him but once in his life, and practically no money changed hands. He said that about half his gambling was with Chinese and half with whites, that he won about equally as much from one as the other, and that he never kept any accounts, but approximately \$3,000 a year, he thought, would be about the amount that he won annually gambling. And he alleged then he withdrew money from the bank to gamble on, and then the next day he put it back, and in that way his account showed heavy withdrawals and heavy deposits on a very small amount of actual money.

Mr. BUSIEK. Did he tell you he had gotten any money from his wife or that his wife had a big income?

Mr. BONHAM. He declined to answer questions touching on his wife's finances.

Mr. BUSIEK. Did you make any investigation of his wife's income?

Mr. BONHAM. I took a statement from a gentleman in this city with the understanding that that statement should not be used until his attorney gave his consent. The statement was written up by my stenographer, submitted to the attorney, and the attorney having heard these rumors as to his influence in the department, and telling me he felt it was not unlike a confidential communication, and that it was not unlikely that this communication, although we assured him it would be a confidential matter, might get into the hands of some one who would in turn put it into the hands of Tape, and he wrote a letter to the Commissioner General, telling him if the Commissioner General would assure him it would be confidential and given to no one but the Secretary and the Assistant Secretary and then returned, he would consent to it being transmitted. The attorney holds that statement. This man that made the statement is a man of affairs in this city, a man of wealth, rather, and he has known this woman and her husband, Peter Sutherland, for years; I think he knew her people, and has personal knowledge that she has no funds, so he testifies, and his knowledge of this woman is, I say, intimate, very intimate. He claims she has blackmailed him for large sums, hundreds of dollars; but he has a wife and is afraid if this statement gets back into the hands of Tape and his wife—he says this woman is desperate enough and he has no doubt—he is absolutely sincere in his conviction; you can tell that from his demeanor—she would not be beyond coming down and shooting him or breaking up his family, and for that reason he is very loath that this information be put in a place where it may eventually get back to Tape.

Mr. BUSIEK. Was she awarded any alimony in the divorce proceeding?

Mr. BONHAM. I haven't the record, but Commissioner White has examined it, and says there was none.

Chairman WALSH. Have you the record there?

Mr. BUSIEK. I haven't it here, but I have it. There was no alimony.

Mr. BONHAM. You can get a copy of the record yourself. You can get a copy of the findings and decree, and it shows in the record there was no property. I think the grounds were desertion and nonsupport. I went to the attorney and asked him if there was any property interests that did not appear in the record, and he said there were none. It is generally known, as I understand, that she had no money. Only Saturday I was in conversation with the credit man of Frederick & Nelson's, the largest department store here, and he told me that when she went under the name of Sutherland her credit was poor, but when she became known as Mrs. Tape she was granted much more extensive credit. I think in the year 1912 her bill at this one store was over a thousand dollars.

Mr. BUSIEK. Now, all these things you have testified to have been general knowledge around Seattle, or people have made these accusations pretty generally, have they not?

Mr. BONHAM. I wouldn't limit it to Seattle. They have been more or less general from the northwest border to the southwest border on this coast. They are more or less generally known among our officers in California and Oregon as well as Washington.

Mr. BUSIEK. I believe that is all I care to ask.

Commissioner O'CONNELL. What is Tape's nationality?

Mr. BONHAM. He is a full-blooded Chinese, born in San Francisco.

Commissioner O'CONNELL. What is yours?

Mr. BONHAM. American citizen.

Chairman WALSH. Does your report give a pretty full history of where he has lived, and with whom?

Mr. BONHAM. Will it?

Chairman WALSH. Yes, sir.

Mr. BONHAM. No, sir; I shall confine my report to what this investigation here has developed. That is submitting the direct testimony, and I have also taken the statements of a number of inspectors here, showing their distrust of him for years, and a number of attorneys, who have testified to me that their clients for years have come to them, in the confidential manner that clients come to their attorneys, and complained of graft that has been exacted of them at the hands of Tape. That evidence and the statement of the inspector, who shows that he has had remarkable authority granted him out here. That he has had every opportunity to do the things that the Chinese witnesses say he has done, and the fact that his morals or immoral acts—it was not my idea to dwell upon them only in as it has affected his income through this woman.

Commissioner O'CONNELL. Do you know a Chinaman named Seid Gain?

Mr. BONHAM. Yes, sir; I know him, I think, quite well.

Commissioner O'CONNELL. Do you think he is reliable?

Mr. BONHAM. I know of only one Chinaman who—well, I should not say it that way. I do; yes, sir. I have great confidence in our interpreters in Portland, and Seid Gain was an interpreter in Portland before Tape. Tape was there a few months as interpreter. I was at Astoria when he was stationed there. I know he did not have the confidence of the Portland office at that time. He was only there a few months, that was back in 1907 or 1908. Seid Gain, while he was interpreter, was never under suspicion by any of us, and I would trust him, and in fact I went to him—

Commissioner O'CONNELL. Do you think he has information in connection with the San Francisco situation that would be valuable to us?

Mr. BONHAM. If he hasn't I believe he would be glad to assist in getting such information.

Commissioner O'CONNELL. He is thoroughly acquainted with the affairs at San Francisco?

Mr. BONHAM. Yes, sir; and I think he could bring powerful influence to bear among the Chinese. I went to him when I was assigned to make this investigation here and asked him if he could not come up here to serve as my interpreter. I have such confidence in him myself that I asked him to do that. His wife was in the hospital, and he could not come.

Commissioner O'CONNELL. He is a man of some wealth himself?

Mr. BONHAM. He is the only son, and his father is very wealthy, made a great deal of money contracting in the early days in railroad contracting, but in recent years in hops.

Commissioner LENNON. Does the Government ever employ American interpreters?

Mr. BONHAM. In Chinese cases?

Commissioner LENNON. Yes.

Mr. BONHAM. Why, I think Mr. Gardner, in San Francisco, is half American.

Mr. BUSIEK. He is just half.

Commissioner O'CONNELL. He is half and half, I understand.

Commissioner LENNON. One of the court cases in the East involved both—both the interpreters were American.

Mr. BONHAM. It is very difficult to get Americans who can speak Chinese. In Portland I know of one or two men, white men, who speak Chinese, but I think our past experience has been that they are just about—they need as much watching as anybody else.

Commissioner O'CONNELL. Do you know Gardner personally?

Mr. BONHAM. No. I may have been introduced to him once. It seems to me I met him, but I wouldn't know him if I saw him on the street.

Commissioner O'CONNELL. You have heard rumors of his getting wealthy down there?

Mr. BONHAM. Yes, I have. I know nothing about that, however. I have been told he was worth \$300,000 and had to borrow his fare to come to San Francisco, but I don't know anything about it, absolutely. I would be very glad to tell you if I did. You asked me a good many questions about Mr. Taylor here, and I want you to understand that, because I think Mr. Busick possibly in questioning me, did not realize that I knew nothing. It is not from any disinclination to tell you. I would tell you everything I knew. I am absolutely frank with you, but I only had this conversation with him, and as there had been so much said I wasn't very frank with him and he wasn't very frank with me. Consequently, there wasn't anything said of consequence.

Possibly inasmuch as Mr. Barber's name has entered into the record, and Inspector Riley, his dishonesty was proved—made the proposition if I would continue the investigation, that it would be taken out of my hands and put into this other man's hands, he would, if he couldn't force Mr. Barber to drop the investigation and in turn prefer charges against him, I want to say that in so far as Mr. Barber's standing with the department is concerned, I think he stands very high and is a very capable officer. But Riley is absolutely unscrupulous, and would, as he said, if he lacked anything, he would manufacture it. He went to my interpreter in Astoria, the man I had used, and offered him \$200 to get some information against me. The same thing you will find with a great many officers, and the reason a great many officers who investigate fail and whitewash people is that people have found something against them, they have been vulnerable, there has been something improper, some dishonest act, and they will hold that over them and cause them to whitewash them. Riley demanded of this interpreter that he go out and get affidavits against me, but he failed.

So that he had nothing, he just had a fighting chance against Mr. Barber when he came back. He had given me up, and he wanted me to continue it and let him have this fighting chance against Mr. Barber. And that he made this proposition was not a reflection upon Mr. Barber's integrity.

Commissioner LENNON. What proportion of the Chinese in the United States do you think are illegally here? Did you ever give that matter any thought?

Mr. BONHAM. Oh, that would be just a wild guess.

Commissioner LENNON. We have had men guess at it in several places.

Commissioner O'CONNELL. In Boston they told us that practically one-third of the Chinamen in the United States were there illegally.

Mr. BONHAM. I am inclined to think that is putting it too strong. There is a large per cent of them undoubtedly, but you must bear in mind that they would remember these fraudulent cases. They forget about the hundreds that are here lawfully. A few—and there are only a few—but the crooked cases would stamp themselves, bring themselves before their attention; and they possibly would exaggerate on them; people are possibly likely to do that. But there is a very large amount of them.

Commissioner O'CONNELL. It seems that there is a general tendency, it might be called a policy, on the part of the employees of this department, where one is charged with some offense or other, to immediately set forth to discredit the party who charges him?

Mr. BONHAM. Yes; undoubtedly.

Commissioner O'CONNELL. On up to the commissioner there seems to be an effort as soon as any charge is started, that then the other side starts to discredit the fellow that makes the charge, by countercharges.

Mr. BONHAM. Yes; it is very true. And sometimes a man, an honest man, might unconsciously put himself in an embarrassing position. The Chinese are great to give presents; and while there is a circular against it, I believe it is not lived up to. A Chinaman will give an inspector a present one year, and next year he will give him a little better one, and the following year a little better one; and it is possibly hard to draw the line. And the first thing he knows he has received a present which, if he stops to think, he would realize that they would not have given him if it had not been that he occupied that peculiar position which he did. And I have been told that that was one of the troubles here.

Commissioner O'CONNELL. And they are frequently giving dinners?

Mr. BONHAM. Yes, sir. I don't think, however, that that would influence any man. Of course, a Chinese inspector should keep himself above suspicion; but the fact that he went to a Chinese New Year's banquet, I think—I have

been to two in my life—I don't think that that should really be held against him. It might cause criticism. But this is the practice, that a great many distinguished men in the State go to these banquets, men who are absolutely, I think, above suspicion, so that I don't think that circumstance is against them.

Commissioner O'CONNELL. Do you know any of the principal Chinese chop suey places or other establishments, business establishments in San Francisco that are patronized fairly frequently by officials of the department—inspectors?

Mr. BONHAM. No, sir; I am not acquainted with the conditions in San Francisco intimately. I have never been there but twice in my life, and I have never gone through Chinatown but once. And when I was sent here to make this investigation I didn't know where Chinatown was in Seattle. I didn't know who to go to. I had to feel my way. And I found that the people had to find where I stood before they were willing to be frank with me. They seemed to think that possibly I was an emissary of Tape's, to see who was testifying against him. I felt that I was under suspicion, and I was rather a stranger here. Would not have had that trouble in my own State. It necessarily made my investigation slow at first. I seemed to have to establish my own position and standing before I could proceed with any success.

Commissioner O'CONNELL. They are intensely suspicious of everybody that comes around for any cause whatever?

Mr. BONHAM. Oh, yes; they are very much so.

Commissioner O'CONNELL. Do you suppose that there is a continuous grafting on these people after they are in here, is there continuous grafting then, or a threatening that they will give up on them unless they pay more, and keep them contributing constantly?

Mr. BONHAM. I think they are embarrassed in a certain way in that they have to work for less wages for the contractors who use them. I think it is a general rule that Chinese contractors who employ smuggled Chinamen pay them less, they have to work for less. There are two men who were recently arrested in Portland by Inspector Fisher of this district, who, I am told, were known to Interpreter Tape here, and Interpreter Tape went to them and demanded money from them or he would report them. And I am hoping when I get back to Portland to be able, through their attorney, to get these men to make statements. And other Chinese who have testified before me have told me that Tape has come to men who were unlawfully in here, who have been smuggled in, and told them that they had to pay him or that they would be turned in to the immigration office.

There is one matter that you may have had brought to your attention that, I think, is worth mentioning, and that is that in our exclusion law we have a very un-American restriction which requires a Chinese laborer lawfully in this country to have a thousand dollars, or a wife and children here, property that is worth a thousand dollars, before he can go back to his own country on a visit, and then he must return within a year. He is not allowed to bring his wife and children, so it is very seldom that they avail themselves of that ground. And they come into our offices all over this coast and all over the United States, and they bring a man with them—and we encourage them into this practice—they bring this man with them, and they say, "I loaned that man ten or eleven hundred dollars on a certain day, and he has not paid me. I have that much money coming to me." And we ask that man, "Did this man loan you that money as he says?" And he says, "He did." And then we give that man the right to go to China on the ground that he has property in this country, or debts, in the amount of at least \$1,000. And we know just as well as I know when I am sitting here that they are lying, and we won't let them go to China and visit their own country unless they tell us that lie, and then they can only stay a year.

Yet a merchant can go to China and stay over a year. Well, it is very difficult for the Chinaman to tell when he should and when he should not lie to us. We encourage him to lie to us in one case, and in the other case if he comes in and swears he has been in that store a year and we find it is not true we reject him and turn his case down. And in one case here, in the case of Lee Wing you subpoenaed, we indicted him. But in the other cases we drive them to commit perjury.

Chairman WALSH. What suggestion would you have, if any, as to any amendment that could be made to the law or any new law that could be en-

acted that would remedy this matter? It seems impossible to guard the border, does it not?

Mr. BONHAM. It is very hard; yes.

Chairman WALSH. Yes.

Mr. BONHAM. These men who are lawfully here as laborers and who can show their credentials, their certificates of residence, I would say ought to be allowed to go to China and they ought not to be required to have any amount of property. That is un-American. They should be allowed to go and stay as long as they please. They would teach them not to disrespect our laws and our oath, and it would also remove the occasion for a great many of these fellows going into a mercantile establishment when they didn't belong there and claiming that they were merchants so that they could go over to their own country and stay there 12 months. If they could go there and stay there 12 months as a laborer, they would do it, a great many of them, and would not come in and assume a false mercantile status which would then allow them to bring back a family and children if they got away with it, as an exempt can do.

And then another thing, if a merchant to acquire an exempt status were required to show conclusively that he was a merchant for at least, say, three years instead of one, then it would not be profitable for them to bring a man in for a few months and get a lot of white witnesses to swear that he had been in there for 12 months, because it would be much more difficult for them to show, to concoct, a fraudulent case if they had to be merchants for three years. And that would not affect any real, genuine merchants, because a Chinese merchant, once a Chinese merchant, is nearly always one. But they will go out and bring in these laborers and have them around the store doing janitor work and giving cigars to two or three white men, and then have these white men come in and testify that they are bona fide merchants, and have them go back to China to stay as long as they please, and when they come back, bring in some relative. If they had to establish their mercantile status for three years instead of one, and then the inhibition against laborers going over and staying more than one year were removed, it would benefit that greatly, I think, and remove the incentive for dishonesty and would establish much more cordial relations.

Chairman WALSH. Mr. O'Connell, will you please submit your proposition. You have it in mind.

Commissioner O'CONNELL. All right. We have tentatively before us a proposition looking toward the wiping of the slate, as it were, of all Chinamen who are in the United States now, giving them a clean card of citizenship or residence. And then taking six months after that for them to go and register and get a proper certificate of residence in the United States. At the end of that time any Chinaman that is found in the United States without one of these new certificates—the organization of a police board, if you want to call it such, some board that would have authority to make investigations, have a sufficient number of them to make investigations ever so often, as frequently as they pleased, and any Chinaman they catch without one of these certificates must be deported without question, unless it is proven that he has been detained by some illness or some disease so that he could not register at the proper time; but at the end of six months after this law went into effect, any Chinese without a certificate should be deported. What is your idea on that?

Mr. BONHAM. Well, that would have its advantages and disadvantages.

Commissioner O'CONNELL. What would be the disadvantages?

Mr. BONHAM. To make it really valuable you would have to include in that American-born Chinese who are citizens of this country, of course, because if you did not, then when you went to round up and pick up your loose ends every one of these fellows would claim American citizenship.

Commissioner O'CONNELL. That would be taken care of. Citizens, Chinamen born in this country, would be entitled to citizenship, or at least residenceship.

Mr. BONHAM. You would have to include them in such registration.

Commissioner O'CONNELL. That would be provided for. Do you think it would have the effect of making it easier for the resident or citizen Chinaman to bring in relations than before, or easier for the fellow who smuggles to impose upon the law to the effect of bringing in relations?

Mr. BONHAM. That objection would be removed largely, you see, if you would require him to be exempt for at least three years instead of one, because it will pay a man who is not a bona fide exempt to go in and assume that status if he can do it in 10 or 12 months. But if you require him to do it for three years it is not going to be such an easy matter, if you register those that are here—

Chairman WALSH. Did you get those copies?

Mr. BUSIEK. I have given them to Commissioner White.

Chairman WALSH. Well, now is the time and here is the place to have them if we are going to use them.

Commissioner O'CONNELL. Suppose you furnish Mr. Bonham a copy of the proposed idea for his criticism, not for your affirmation, Mr. Bonham, but your real criticism.

Chairman WALSH. Very well.

Commissioner O'CONNELL. And send it to us at San Francisco. We will be there next week and the week following.

Mr. BONHAM. The Chinese merchants, unless this is presented to them diplomatically, will be, a great many of them, against it, because they have a natural disinclination to be subjected to something that other people are not. But, really, it will be their protection if handled properly.

Commissioner O'CONNELL. Well, we have one Chinese association in Frisco that has gone on record in favor of the idea, and another that is opposed to it. Of course there are two different plans. We would like you to take that. Mr. Busiek will see that you get a copy of it. Give it your severest criticism. We do not care how much you tear it to pieces; the more the merrier. We prefer you to simply say what you think of it.

Mr. BUSIEK. Would it not have the effect of giving a great many of the Chinese who are now in this country, who are afraid to go and make application and show themselves at immigration offices, wouldn't it enable those to bring in wives and children?

Mr. BONHAM. It would unless you amended the present 12 months' requirement during which a man acquires a mercantile status because many of those fellows then would go in there and colorably acquire a status of that kind, and then immediately their wife or their minor children would come, and that would revert back to the old order.

Commissioner O'CONNELL. I think your idea of the mercantile end of it is a very good one. I think the time is entirely too limited.

Mr. BONHAM. Yes, sir; a man does not change his vocation every 12 months between that of laborer and merchant.

Commissioner O'CONNELL. Mr. Busiek will see that you get a copy of that.

Chairman WALSH. That is all.

TESTIMONY OF MR. FRANK H. TAPE—Recalled.

Chairman WALSH. Mr. Tape, will you be sworn again? Do you solemnly swear that the testimony which you are now about to give before this commission in the matter of the investigation of alleged smuggling of Asiatics into the United States will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. You were asked to produce your bank book at 2 o'clock. Have you that book?

Mr. TAPE. I would like to request that my attorney be present at this hearing if possible.

Chairman WALSH. Do you refuse to answer any question unless your attorney is present?

Mr. TAPE. I will gladly answer all questions concerning smuggling; gladly help you in any way I can, but with the advice of my counsel I will refuse to answer any questions personally concerning myself.

Chairman WALSH. On what grounds?

Mr. TAPE. The advice of my counsel.

Chairman WALSH. Do you claim that any answers to those questions might tend to incriminate you?

Mr. TAPE. Yes, sir; they might; but as to smuggling I will gladly tell you whatever I know in my six years here.

Chairman WALSH. Have you personally received any money from men to smuggle Chinese into this country?

Mr. TAPE. No, sir.

Chairman WALSH. Have you collected money from persons under threat that if they did not pay it you would expose the fact that they had been smuggled into this country?

Mr. TAPE. No, sir.

Chairman WALSH. You may proceed with your questions along that line, growing out of that. Cross-examine upon the question as to whether or not he received any such money.

Mr. BUSIEK. Do you know a Chinese in the city by the name of Woo Gen?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. What business is he in?

Mr. TAPE. He is a merchant here in the Wau Chung Co. on King Street.

Mr. BUSIEK. Has he a partner who is interested in any case that came through your office recently?

Mr. TAPE. I haven't been in the office for—I haven't worked out in the office. I think, for the last three months.

Mr. BUSIEK. Have you ever had any conversation with Woo Gen about the admission of any Chinese within the last year?

Mr. TAPE. Why, while I was in the office out there they came out and asked me about alien Chinese going and coming. I had been making out the outgoing papers and naturally they came and I would make out all certificates of Chinese entry, certificates of identity. They came and talked to me about those things; that was my official business.

Mr. BUSIEK. Did you ever demand of Woo Gen's partner \$100 or any other amount of money for the admission of this man's son?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did you ever have any conversation with Woo Gen about it?

Mr. TAPE. No, sir.

Mr. BUSIEK. About any such?

Mr. TAPE. About money, you mean?

Mr. BUSIEK. About money.

Mr. TAPE. No, sir.

Mr. BUSIEK. Do you know a Chinese by the name of Loo Wing at the Shanghai Bazaar?

Mr. TAPE. I do.

Mr. BUSIEK. I believe you filed charges against him?

Mr. TAPE. I did not.

Mr. BUSIEK. Who did?

Mr. TAPE. I don't know.

Mr. BUSIEK. Don't you know charges are pending against him?

Mr. TAPE. Only what I read in the newspapers.

Mr. BUSIEK. Did you ever receive from Loo Wing \$200?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did you ever have any conversation with him about any money to be paid for the admission of two Chinese boys destined to Pittsburgh?

Mr. TAPE. Never. Just a minute. I would like to say in the Loo Wing case the record at the immigration office will show that I have fought against that man since I have been here. He is trying to bring in Chinese boys claiming to be other men's—claiming to be fathers of Chinese who were here.

Mr. BUSIEK. Any more you want to say about him?

Mr. TAPE. I was just trying to think. Now, this last case—this big case we have fought, but I can't think of the name of the case just now, where the boy was deported and the record will show it at the immigration office.

Mr. BUSIEK. And he is now indicted for conspiracy in that case, is that true?

Mr. TAPE. No, sir; not in that case. I had nothing to do with that case that he is indicted in. I knew nothing about that case.

Mr. BUSIEK. Did you appear before the grand jury in the case in which he is now indicted?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did Inspector Monroe?

Mr. TAPE. I don't know.

Mr. BUSIEK. In 1911 there were nine certificates—Chinese certificates—disappeared from this office. Do you remember the circumstances of their disappearance?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Did you recover some of them?

Mr. TAPE. Yes, sir; I did.

Mr. BUSIEK. From whom did you recover them?

Mr. TAPE. I recovered—I don't remember how many were recovered, but I got them through another party.

Mr. BUSIEK. Who was the other party?

Mr. TAPE. I wouldn't care to give his name; he was an informer I had working for me.

Chairman WALSH. I would like to have his name.

Mr. TAPE. Well, I wouldn't care to give his name at this time.

Chairman WALSH. Well why not?

Mr. TAPE. I wouldn't want to bring the man into trouble—have his name brought into this, because he is a prominent man and he did it as a favor to me.

Chairman WALSH. When was that?

Mr. BUSIEK. 1912, I think, he recovered it.

Chairman WALSH. What date was it?

Mr. TAPE. I don't know just now; the record out there will show it. Everything is in the record out there. I made a trip to Portland—

Mr. BUSIEK. Who was along with you when you went to Portland?

Mr. TAPE. Mr. Monroe.

Mr. BUSIEK. Was he present when you recovered the certificates?

Mr. TAPE. No, sir.

Mr. BUSIEK. You know, of course, that the mere fact you wouldn't want to involve this man's name is no excuse for you refusing to give his name to this commission. Are you aware of that?

Mr. TAPE. When I promise a person I wouldn't tell, when he does me a favor, I don't think it is right I should tell on the man; he trusted me.

Chairman WALSH. Was this a white man or a Chinese?

Mr. TAPE. Chinese.

Chairman WALSH. Was he the thief? Had he stolen them?

Mr. TAPE. No, sir.

Chairman WALSH. He obtained it from the thief?

Mr. TAPE. No, sir; he got them through—the certificates were passed by other Chinese wanting to go into the canneries, and this cannery man, I gave him the number of these certificates, and I told him if they run across them—I gave them to several Chinese contractors—in case they run across the certificates to let me know.

Chairman WALSH. To whom did you deliver the certificates after you obtained them?

Mr. TAPE. Mr. Monroe or Mr. de Bruler, the commissioner.

Mr. BUSIEK. Did you show them to Monroe down at the place where you got them?

Mr. TAPE. I believe I did.

Mr. BUSIEK. Did you travel with Mr. Monroe down there?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Did you make any arrest or cause anyone to be arrested who had been in possession of these fraudulent certificates?

Mr. TAPE. No, sir.

Mr. BUSIEK. Why not?

Mr. TAPE. Never got the party.

Mr. BUSIEK. Why didn't you get them?

Mr. TAPE. The party that gave me the certificates wouldn't tell me who they were that had them.

Mr. BUSIEK. Did you ask him who they were?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Did you ever present the matter to the grand jury?

Mr. TAPE. I took it up with my superior, my boss; I don't know if he did or not.

Mr. BUSIEK. Who was that?

Mr. TAPE. Mr. Monroe; he was my superior.

Chairman WALSH. You made a full report to him, did you?

Mr. TAPE. Yes, sir; and Mr. de Bruler also.

Mr. BUSIEK. Do you remember when there were some other papers stolen out there, I think it was in 1912, and a watchman was discharged because of their loss?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did you ever go down in the basement of the building out there and find some papers, you and Monroe, some papers that had disappeared from the office?

Mr. TAPE. I believe we did one time. I believe we did.

Mr. BUSIEK. What were the circumstances of that?

Mr. TAPE. There was an interpreter employed out there at that time that had some case fixed; I have forgotten now.

Mr. BUSIEK. Who was the interpreter?

Mr. TAPE. Frank Lewis. I don't remember the case exactly, but it came—the information came to me that there were some papers stolen; they were thrown down the toilet. We found out that the—we went down there and looked, because we knew the toilet was an open toilet, the sewer went down in the house, and we found the papers down in the sewer.

Mr. BUSIEK. The loss was discovered on Saturday?

Mr. TAPE. The loss was discovered on Saturday, if I am right.

Mr. BUSIEK. Didn't you tell Inspector Wilkes that you suspected that they might be down that sewer?

Mr. TAPE. I don't remember ever speaking to Wilkes about it.

Mr. BUSIEK. Will you say that you did not speak to Wilkes about it?

Mr. TAPE. No; I wouldn't; but it is so long ago; it is longer than 1912.

Mr. BUSIEK. Didn't you and Mouroe go there the next day on Sunday and find those papers?

Mr. TAPE. I don't remember what day we were there, but he and I did go there one day, and we found those in the basement; it is down in the sewer.

Mr. BUSIEK. Isn't it a fact Wilkes told you the next Monday that he had gone down that Saturday night and hunted for them himself, and they weren't there?

Mr. TAPE. I don't remember, sir, if I ever talked to Wilkes about it.

Mr. BUSIEK. You knew a Chinese by the name of Chin Teong?

Mr. TAPE. No; I don't.

Mr. BUSIEK. Now in Hongkong——

Mr. TAPE. How do you spell it?

Mr. BUSIEK. Chin, C-h-i-n; the last name Teong, T-e-o-n-g, now in Hongkong, China, formerly here?

Mr. TAPE. No; I don't recall the name. He might have another name I know him by. Chinese have three or four different names.

Mr. BUSIEK. Do you know any Chinese by the name of Chin Loy?

Mr. TAPE. Yes.

Mr. BUSIEK. Who is he?

Mr. TAPE. He is a merchant down there. I also know another one that is a cannery man.

Mr. BUSIEK. That is what?

Mr. TAPE. That is a cannery man.

Mr. BUSIEK. Are you well acquainted with that merchant?

Mr. TAPE. I know him, not well acquainted with him no more than I am with any others.

Mr. BUSIEK. Don't you frequently go to his place of business in your machine?

Mr. TAPE. No; I haven't been in that place for six months.

Mr. BUSIEK. Does he frequently come out to the immigration station to see you?

Mr. TAPE. No, sir.

Mr. BUSIEK. Do you know a Chinese by the name of Lee Dong, called Billy Dong?

Mr. TAPE. I do, sir.

Mr. BUSIEK. What is his business?

Mr. TAPE. He runs a little store, restaurant, and interested in several restaurants here.

Mr. BUSIEK. Do you frequently see him?

Mr. TAPE. I do at times.

Mr. BUSIEK. Does he come out to the station to see you?

Mr. TAPE. I don't know. Very seldom ever comes to see me. Mr. Monroe sends for him to come out there on business. He worked out there on different times.

Mr. BUSIEK. What does Monroe send for him for?

Mr. TAPE. I don't know, sir.

Mr. BUSIEK. Are you not there when he is?

Mr. TAPE. He goes into Mr. Monroe's room and I don't know what he does or says.

Mr. BUSIEK. Doesn't he have dealings with you?

Mr. TAPE. He comes out there around the place.

Mr. BUSIEK. Have you ever heard it charged that Billy Dong and Chin Loy claim to collect money for you?

Mr. TAPE. Since I have been investigated, I have heard it; yes.

Mr. BUSIEK. Have you taken up the matter with either one of the two?

Mr. TAPE. I have not; I have not seen Chin Loy for six months or more.

Mr. BUSIEK. You are sure about the fact you haven't seen him for six months?

Mr. TAPE. Yes, sir; I don't remember of seeing him for six months.

Mr. BUSIEK. Did you bring the copy of the contract which the commission requested this morning?

Mr. TAPE. I did; but my lawyer has it.

Chairman WALSH. Do you refuse to produce it?

Mr. TAPE. With the advice of my counsel, I do; yes, sir; being it is my personal business.

Chairman WALSH. Have you any other reason except the advice of your counsel?

Mr. TAPE. No, sir; I am going by his advice.

Chairman WALSH. What is this man's name—Lee Dong? Did Lee Dong ever pay you any money?

Mr. TAPE. That's my personal business, and I refuse to answer.

Chairman WALSH. You refuse? On what ground do you refuse to answer?

Mr. TAPE. That has got nothing to do with this investigation.

Chairman WALSH. Do you refuse to answer on the ground that it might tend to incriminate you?

Mr. TAPE. Through advice of my counsel, I refuse to answer that question.

Chairman WALSH. You do not claim, then, it might tend to incriminate you?

Mr. TAPE. It might, being—it might since the way I hear this investigation—the man investigating has been going around and doing.

Chairman WALSH. We might as well have an understanding. Counsel is not coming in here, and you have no right to refuse to answer a question, except on the ground that it might tend to incriminate you; otherwise, you will be compelled to answer.

Mr. TAPE. I believe it might.

Chairman WALSH. Then you refuse to answer the question as to whether or not you ever received any money from Lee Dong, alias Billy Dong, on the ground it might tend to incriminate you?

Mr. TAPE. Yes.

Chairman WALSH. Go ahead, then, on some other question.

Mr. BUSIEK. Have you ever received any money from Chin Loy?

Mr. TAPE. No, sir.

Chairman WALSH. What did you say?

Mr. TAPE. No, sir.

Mr. BUSIEK. Never?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did you ever go to a Chinese by the name ow Woo Gem and ask him not to give Inspector Bonham any information respecting yourself?

Mr. TAPE. No, sir.

Mr. BUSIEK. Has Mrs. Tape any independent income?

Mr. TAPE. I refuse to answer.

Mr. BUSIEK. On what ground do you refuse to answer?

Mr. TAPE. That it is Mrs. Tape's business and not mine.

Chairman WALSH. The reason we are asking these questions now is to discover whether or not you accepted any money for smuggling Chinese into this country, and that is pertinent. I say to you that that is a pertinent question.

Mr. TAPE. I don't think that has—that Mrs. Tape's income has anything to do with my smuggling in Chinese.

Mr. BUSIEK. Has she ever given you any money?

Mr. TAPE. I refuse to answer.

Mr. BUSIEK. On what grounds?

Mr. TAPE. That it has nothing to do with this investigation.

Chairman WALSH. That is not a sufficient answer. I advise you, sir, that the only ground upon which you can refuse to answer is that it might tend to incriminate you.

Mr. TAPE. Well——

Chairman WALSH. We are not going——

Mr. TAPE. I am willing to answer all questions, but when it comes to my personal business or Mrs. Tape's personal business, I will refuse to answer through advice of my counsel.

Chairman WALSH. That is not a sufficient reason. The only reason you can refuse to answer is that it might tend to incriminate you. Unless that is your reason, we shall compel you to answer.

Mr. BUSIEK. I will ask you whether or not you received any money from Mrs. Tape?

Mr. TAPE. I will refuse to answer.

Chairman WALSH. On what ground? On what ground do you refuse to answer?

Mr. TAPE. That it is my personal business.

Chairman WALSH. Now, just for the record, let the record show that the witness was advised that that is not a legal ground for refusing to answer the question. The only legal ground for refusing to answer the question being that it might tend to incriminate him. What do you say as to that? The question is, Would or would not, in your opinion, an answer to that question tend to incriminate you?

Mr. TAPE. It might.

Chairman WALSH. It might tend to incriminate you?

Mr. TAPE. Yes, sir.

Chairman WALSH. Go ahead with some other question, then.

Mr. BUSIEK. Who pays the bills incurred by Mrs. Tape at the department stores?

Mr. TAPE. I refuse to answer.

Mr. BUSIEK. On what ground do you refuse to answer?

Mr. TAPE. That it is Mrs. Tape's personal business and not mine.

Mr. BUSIEK. Do you pay her bills?

Mr. TAPE. I refuse to answer also.

Mr. BUSIEK. On what ground do you refuse to answer?

Mr. TAPE. Well, through advice of my attorney.

Mr. BUSIEK. Well, you are instructed——

Chairman WALSH. We will not continue going over this all the time. Would or would not the answer to that question tend to incriminate you?

Mr. TAPE. I want you to explain to me. You say "tend to incriminate me." I don't exactly understand what that means.

Chairman WALSH. That means this: That if you gave an answer that might furnish a circumstance or a link in a chain of circumstances that might convict you or tend to convict you of some offense against the law, that is the only ground upon which you can refuse to answer this commission; that is, whether or not in your opinion it might tend to incriminate you. Do you understand that now?

Mr. TAPE. I think I have got it through my head. I didn't understand from what you said just exactly what you meant. Well, on that ground, I refuse to answer that.

Chairman WALSH. That it might tend to incriminate you?

Mr. TAPE. Yes.

Chairman WALSH. You understand, then, you have the personal right?

Mr. TAPE. I haven't got it in my mind exactly right.

Chairman WALSH. I have explained to you that if in your opinion—the law compels us to leave it to you—if in your opinion an answer might tend to either convict you of an offense, or furnish a circumstance, or a link in the chain of circumstances that might lead to your prosecution or conviction of some offense against the law, that then you have the personal right to refuse to answer on that ground alone. That is the only ground upon which you can refuse to answer a question to this commission. Do you understand it? That it is your personal privilege to interpose that in order that no advantage will be taken of you?

Mr. TAPE. I think I understand you.

Chairman WALSH. So that if you refuse to answer the question it will not do to simply say it is on the advice of counsel or that it is personal business. I have stated to you the only ground upon which you can refuse to answer a question before this commission, and you have to interpose that.

Mr. TAPE. Yes.

Mr. BUSIEK. You were asked the question whether or not you paid any of Mrs. Tape's bills at the various department stores. Will you answer that question now?

Mr. TAPE. I will decline to answer on the ground that it might tend to——

Mr. BUSIEK. Incriminate you?

Mr. TAPE. Incriminate me.

Mr. BUSIEK. Did you tell Inspector Bonham you won considerable money at gambling?

Mr. TAPE. I also refuse to answer that question.

Mr. BUSIEK. On what ground?

Mr. TAPE. On the ground it might tend to incriminate me. Is that the way?

Mr. BUSIEK. Yes.

Chairman WALSH. Did you win considerable money?

Mr. BUSIEK. Did you win considerable money?

Mr. TAPE. I also refuse to answer.

Chairman WALSH. On what ground?

Mr. TAPE. It might incriminate me.

Mr. BUSIEK. You worked with Inspector Taylor here for some time, did you not?

Mr. TAPE. I did, sir.

Mr. BUSIEK. For how long?

Mr. TAPE. I don't remember the dates. I think it was——

Mr. BUSIEK. How many weeks?

Chairman WALSH. Mr. Busiek, I wish you would get where he was born, the name of his father and mother, where he has lived, the various positions he has occupied, where he was educated, and the complete history of him down to this date.

Your name is Frank H. Tape?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Where were you born and when?

Mr. TAPE. Born in 1878; November 6; San Francisco, Cal.

Mr. BUSIEK. What is your father's business?

Mr. TAPE. My father is in the bonding business now.

Mr. BUSIEK. What business has he been in in the past?

Mr. TAPE. Prior to that he was in the teaming business.

Mr. BUSIEK. What is your father's name?

Mr. TAPE. Joseph Tape.

Mr. BUSIEK. And your mother's name?

Mr. TAPE. Mary.

Mr. BUSIEK. Are they Chinese?

Mr. TAPE. Both of them.

Chairman WALSH. Native Chinese?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Where were you educated?

Mr. TAPE. In California.

Mr. BUSIEK. At the public school?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. How long did you attend?

Mr. TAPE. I only went through the grammar school.

Mr. BUSIEK. You went through grammar school?

Mr. TAPE. Yes.

Mr. BUSIEK. Did you graduate?

Mr. TAPE. No, sir.

Mr. BUSIEK. Ever go to high school?

Mr. TAPE. No, sir.

Mr. BUSIEK. Have you had any special education in any way?

Mr. TAPE. No, sir.

Mr. BUSIEK. In any academy?

Mr. TAPE. No, sir.

Mr. BUSIEK. What occupation have you had since you left school?

Mr. TAPE. I went to work for my father in the teaming business.

Mr. BUSIEK. At the time that you worked for your father did you ever get into trouble about some money being abstracted from a trunk that you were hauling to the docks for a Chinaman? Do you remember the instance I refer to?

Mr. TAPE. No, sir.

Chairman WALSH. Let me ask the witness a few questions. I just want to get his personal history.

What school did you go to, Mr. Tape?

Mr. TAPE. I went to the—I have forgotten, the first primary school.

- Chairman WALSH. Public school?
- Mr. TAPE. Public school in San Francisco.
- Chairman WALSH. At what age did you leave school?
- Mr. TAPE. What age?
- Chairman WALSH. Yes.
- Mr. TAPE. About 15 or 16 years old, I think I was.
- Chairman WALSH. Where was the first place you worked?
- Mr. TAPE. For my dad.
- Chairman WALSH. And how long did you work for your dad?
- Mr. TAPE. About five or six years.
- Chairman WALSH. In what business?
- Mr. TAPE. Teaming business.
- Chairman WALSH. What part of the work did you do?
- Mr. TAPE. I drove team.
- Chairman WALSH. And after you left the service of your father where did you go?
- Mr. TAPE. Worked for the railroad company.
- Chairman WALSH. What railroad company?
- Mr. TAPE. Southern Pacific.
- Chairman WALSH. In what capacity?
- Mr. TAPE. As guard and handling Chinese traveling under bond through the United States.
- Chairman WALSH. How long did you work for the railroad company?
- Mr. TAPE. I don't remember exactly, around two or three years.
- Chairman WALSH. Where next did you work?
- Mr. TAPE. Then I went to work for the Chinese concession in the St. Louis fair, and I worked there about six months, and then I entered the Government service, the Immigration Service.
- Chairman WALSH. At what point?
- Mr. TAPE. St. Louis.
- Chairman WALSH. Did you take the civil-service examination?
- Mr. TAPE. No, sir.
- Chairman WALSH. At whose recommendation did you go into the Government service?
- Mr. TAPE. James R. Dunn, inspector in charge in St. Louis.
- Chairman WALSH. Had you known Mr. Dunn before?
- Mr. TAPE. Yes, sir.
- Chairman WALSH. Where?
- Mr. TAPE. San Francisco.
- Chairman WALSH. In San Francisco?
- Mr. TAPE. Yes, sir.
- Chairman WALSH. And who did you first work under in St. Louis?
- Mr. TAPE. Mr. Dunn.
- Chairman WALSH. How long did you work in St. Louis?
- Mr. TAPE. Four—five—six—I think three or four years.
- Chairman WALSH. And were you investigated at any time while you were there?
- Mr. TAPE. I was, sir, after I left there.
- Chairman WALSH. After you left there?
- Mr. TAPE. Yes, sir.
- Chairman WALSH. Who was the investigator?
- Mr. TAPE. I don't know, sir. I have never been told.
- Chairman WALSH. What was the result of the investigation?
- Mr. TAPE. I have never been told, sir.
- Chairman WALSH. What were you charged with?
- Mr. TAPE. I don't know. I have never had—they never notified me of the charges.
- Chairman WALSH. Where did you go from St. Louis?
- Mr. TAPE. To Portland.
- Chairman WALSH. What year did you go to Portland?
- Mr. TAPE. I think it was 1907.
- Chairman WALSH. You went into the service as an interpreter, didn't you?
- Mr. TAPE. Yes, sir.
- Chairman WALSH. Was it a new appointment or were you transferred from St. Louis?
- Mr. TAPE. Transferred.

Chairman WALSH. At your own request or the request of some one else?

Mr. TAPE. No, sir; the department transferred all the Chinese interpreters all over the United States.

Chairman WALSH. How long did you stay in Portland?

Mr. TAPE. I think I went there in October or November, and I left there the next April or May, some time around there, I don't exactly remember.

Chairman WALSH. What were the circumstances of your leaving there; were you transferred or discharged, or did you resign?

Mr. TAPE. I went South working on special work—smuggling on the Mexican border.

Chairman WALSH. Who had you sent to the South to investigate smuggling on the Mexican border?

Mr. TAPE. The bureau.

Chairman WALSH. What particular individual recommended you, if you know?

Mr. TAPE. I don't know, sir.

Chairman WALSH. How long did you remain in the South investigating smuggling?

Mr. TAPE. I went down there—I don't remember—I think it was right after I left Portland, and I stayed there until somewhere around in the last of October or the first of November of that year.

Chairman WALSH. At what point or points?

Mr. TAPE. I worked in Los Angeles, San Diego, and on the border down there.

Chairman WALSH. Under whose immediate supervision did you work?

Mr. TAPE. Mr. Taylor's.

Chairman WALSH. Did you know Mr. Taylor before you came to Portland?

Mr. TAPE. No, sir.

Chairman WALSH. Where did you become acquainted with Mr. Taylor?

Mr. TAPE. The first time?

Chairman WALSH. Yes.

Mr. TAPE. In San Francisco when I was sent down there.

Chairman WALSH. When you were sent down there on this special work?

Mr. TAPE. Yes, sir.

Chairman WALSH. Who sent you down there?

Mr. TAPE. It was the bureau; I don't remember now just who it was.

Chairman WALSH. You don't remember the individual?

Mr. TAPE. No, sir; I don't.

Chairman WALSH. What is Mr. Taylor's full name?

Mr. TAPE. R. H.—Richard.

Chairman WALSH. Richard H. Taylor.

Mr. TAPE. Yes, sir; I don't know what the other is. I believe I was in San Francisco on a vacation when I got that detail. Now, I am not sure. I believe I was in San Francisco on a vacation when the bureau detailed me to work with Mr. Taylor.

Chairman WALSH. Did you meet Mr. Taylor before you went South?

Mr. TAPE. No, sir. The first time I met him was in San Francisco when I got that detail to go to work down there.

Chairman WALSH. Well, you met him before you went off on your detail?

Mr. TAPE. Yes, sir.

Chairman WALSH. To the South?

Mr. TAPE. Yes.

Chairman WALSH. What were the circumstances under which you met Mr. Taylor?

Mr. TAPE. I just met him in the immigration station offices there.

Chairman WALSH. Accidentally?

Mr. TAPE. No, sir; I went up there and inquired for him.

Chairman WALSH. You inquired for him?

Mr. TAPE. Yes, sir.

Chairman WALSH. Now, how long did you stay in the South?

Mr. TAPE. I don't remember the exact months; it was from the time I left Portland until—

Chairman WALSH. April to October?

Mr. TAPE. Around May or June until October, I think.

Chairman WALSH. What year was that?

Mr. TAPE. Nineteen—

Chairman WALSH. Six years ago?

Mr. TAPE. 1908, I think it was.

Chairman WALSH. 1908?

Mr. TAPE. Yes, sir.

Chairman WALSH. Now, when you came back from the South, where did you go?

Mr. TAPE. Came back to Seattle.

Chairman WALSH. Came back to Seattle?

Mr. TAPE. Yes.

Chairman WALSH. You were ordered here by whom?

Mr. TAPE. The department in Washington.

Chairman WALSH. Well, did Mr. Taylor order you here, then?

Mr. TAPE. No, sir.

Chairman WALSH. Have you been under the direct supervision of Mr. Taylor ever since?

Mr. TAPE. No, sir.

Chairman WALSH. How long did you continue this investigation as to smuggling Chinese?

Mr. TAPE. Just the time I was working with him down there.

Chairman WALSH. Now, when you came to Seattle, in what capacity did you come here?

Mr. TAPE. As a Chinese interpreter.

Chairman WALSH. As a Chinese interpreter?

Mr. TAPE. Yes, sir.

Chairman WALSH. You have been here ever since that time?

Mr. TAPE. I have, sir.

Chairman WALSH. As Chinese interpreter?

Mr. TAPE. Yes, sir.

Chairman WALSH. Have you had any financial transactions with Mr. Taylor?

Mr. TAPE. No, sir.

Chairman WALSH. Has he ever paid you any money?

Mr. TAPE. In what way?

Chairman WALSH. Any way, on account, whatsoever?

Mr. TAPE. I loaned him—we were in Jamaica in 1911, and I loaned him \$100—I think it was \$100; as I came away from Jamaica before he did and we didn't get our checks, and I loaned him \$100 at that time, and he returned it to me after he came back here.

Chairman WALSH. When was that?

Mr. TAPE. 1911, in November or December we went to Jamaica and came back. I came back in February, 1912, and he returned the money when he came back, some time in March or April. That is the only time.

Chairman WALSH. Have you ever paid him any money?

Mr. TAPE. No, sir.

Chairman WALSH. Has he ever paid you any money on any account whatsoever?

Mr. TAPE. That was the only time he ever did.

Chairman WALSH. Is that the only financial transaction you ever had with Mr. Taylor?

Mr. TAPE. Yes.

Chairman WALSH. All right, Mr. Busiek.

Mr. BUSIEK. You worked with Mr. Taylor during the time that you were under charges, did you not, and up to the time of your suspension?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. You were in pretty constant communication with him, were you not?

Mr. TAPE. I was.

Mr. BUSIEK. Did you receive a telegram from Mr. Taylor during that time?

Mr. TAPE. Mr. Taylor was here all the time.

Mr. BUSIEK. Did you ever get a wire from him from Buffalo or from Washington?

Mr. TAPE. An answer from one I sent him; yes, sir.

Mr. BUSIEK. What was the purport of that wire?

Mr. TAPE. I don't remember the exact words just now.

Mr. BUSIEK. Well, the substance of it, your wire to him and his to you?

Mr. TAPE. I wired him that they were investigating me, and what should I do.

Mr. BUSIEK. And what else?

Mr. TAPE. And he wired me back to demand a written statement of the charges, I believe it was.

Mr. BUSIEK. And what else?

Mr. TAPE. I don't remember what else was in it now.

Mr. BUSIEK. Did he tell you that he would stand by you?

Mr. TAPE. No, sir.

Mr. BUSIEK. Are you sure of that?

Mr. TAPE. I am. I didn't see anything in his telegram that said that.

Mr. BUSIEK. What other wire did you receive from him?

Mr. TAPE. I received no other wire from him.

Mr. BUSIEK. Did you receive a letter from him following that wire?

Mr. TAPE. Official letter; yes, sir.

Mr. BUSIEK. To what effect?

Mr. TAPE. Telling me what I should do and the work that I was detailed to do.

Mr. BUSIEK. Did he tell you that he would stand by you in this matter of the investigation?

Mr. TAPE. No, sir.

Mr. BUSIEK. How long were you working—

Chairman WALSH. Did he tell you in that telegram to stand pat? Did he use that expression? Be careful, now, and remember.

Mr. TAPE. I don't remember. I am not a great one at using slang.

Chairman WALSH. How is that?

Mr. TAPE. I don't remember if he said that or not.

Chairman WALSH. Have you that telegram still in your possession?

Mr. TAPE. I may have. I don't know if I have or not.

Chairman WALSH. When was it received?

Mr. TAPE. Some time in May or June.

Chairman WALSH. Did you receive that reply on the same day that you wired him?

Mr. TAPE. No; I don't remember that.

Chairman WALSH. You wired him at Buffalo, or Washington, or where?

Mr. TAPE. I don't remember if I wired him at Buffalo or Washington.

Chairman WALSH. Where did you get his wire from?

Mr. TAPE. From Buffalo.

Chairman WALSH. From Buffalo?

Mr. TAPE. Yes, sir.

Chairman WALSH. How did you know where he was?

Mr. TAPE. Mr. Taylor and I are personal friends, and we always—we corresponded every once in a while.

Chairman WALSH. You have personal correspondence outside of your official correspondence?

Mr. TAPE. Only a few letters a year sometimes.

Chairman WALSH. Has Mr. Taylor ever visited you in your home here?

Mr. TAPE. He has a few times.

Chairman WALSH. With anyone else present?

Mr. TAPE. Mrs. Taylor.

Chairman WALSH. How many times has he visited you here?

Mr. TAPE. On this last trip?

Chairman WALSH. Yes.

Mr. TAPE. Maybe about three times.

Chairman WALSH. Well, prior to this last trip how many times did he visit you at your home here?

Mr. TAPE. Once.

Chairman WALSH. Was Mrs. Taylor with him on all those occasions?

Mr. TAPE. Yes, sir.

Chairman WALSH. Has he ever been at your home when Mrs. Taylor was not with him?

Mr. TAPE. No, sir.

Chairman WALSH. When did he first visit your home?

Mr. TAPE. When he came here last year.

Chairman WALSH. 1913?

Mr. TAPE. Yes, sir.

Chairman WALSH. Did he ever visit you in your home at Portland?

Mr. TAPE. No, sir.

Chairman WALSH. When was the occasion of these last three visits to your home?

Mr. TAPE. When were they?

Chairman WALSH. Yes, sir.

- Mr. TAPE. I don't remember the dates.
- Chairman WALSH. Approximately when were the dates?
- Mr. TAPE. I could not tell you.
- Chairman WALSH. Were they this year?
- Mr. TAPE. Oh, yes; this year, during the month of July.
- Mr. BUSIEK. All three visits during that month?
- Mr. TAPE. Well, he got here on the 28th or 29th, I think it was, when he arrived here.
- Mr. BUSIEK. Of July?
- Mr. TAPE. Of June, I think it was.
- Mr. BUSIEK. He has been out at your house since these charges were filed against you, has he not?
- Mr. TAPE. I haven't seen any charges filed against me at all.
- Mr. BUSIEK. Or since you have been under investigation?
- Mr. TAPE. No, sir; he hasn't been to my house.
- Mr. BUSIEK. How long was it you were under investigation?
- Mr. TAPE. I was suspended the 30th of July. I received it the 31st of July.
- Chairman WALSH. Were all these visits of Taylor and his wife prior to the time you were suspended?
- Mr. TAPE. Yes, sir.
- Chairman WALSH. How far were they apart?
- Mr. TAPE. Oh, maybe a week.
- Chairman WALSH. Was Mr. Taylor there in the nighttime or daytime?
- Mr. TAPE. I think he visited us in the evening three different times.
- Chairman WALSH. How long did he stay on each occasion?
- Mr. TAPE. Two or three hours.
- Chairman WALSH. Was there any person else present besides Mr. Taylor and his wife?
- Mr. TAPE. Mrs. Tape and myself.
- Chairman WALSH. No one else except you four?
- Mr. TAPE. No, sir.
- Mr. BUSIEK. Do you visit back and forth with Inspector Monroe?
- Mr. TAPE. At his home, you mean?
- Mr. BUSIEK. Have Inspector Monroe and Mrs. Monroe ever been at your house?
- Mr. TAPE. They have.
- Mr. BUSIEK. When was the last time?
- Mr. TAPE. Over a year ago.
- Mr. BUSIEK. When was the last time you were together as a party?
- Mr. TAPE. Some time in May.
- Chairman WALSH. Now, you say the last time you were there was over a year ago?
- Mr. TAPE. At Mr. Monroe's house.
- Chairman WALSH. When was the last time he was at your house?
- Mr. TAPE. Over a year ago.
- Chairman WALSH. How many times has he been at your house altogether?
- Mr. TAPE. I don't think he has visited us over four or five times.
- Chairman WALSH. Covering what period of time?
- Mr. TAPE. Ever since I have been in Seattle. We have been out riding together.
- Chairman WALSH. Who all?
- Mr. TAPE. Mr. and Mrs. Monroe and Mr. and Mrs. Tape.
- Chairman WALSH. How frequently?
- Mr. TAPE. Oh, maybe three or four times a year.
- Chairman WALSH. Covering how many years?
- Mr. TAPE. Since I have had the automobile, the last three years.
- Chairman WALSH. The last three years?
- Mr. TAPE. Yes, sir.
- Chairman WALSH. I take it from your mentioning Mrs. Tape that you are married man?
- Mr. TAPE. Yes, sir.
- Chairman WALSH. Had you ever been married before?
- Mr. TAPE. No, sir.
- Chairman WALSH. How recently have you been married?
- Mr. TAPE. I decline to answer.
- Chairman WALSH. On what grounds?
- Mr. TAPE. On the ground it might incriminate me.

Chairman WALSH. I will ask you the direct question of whether or not Mrs. Tape ever went out riding with you prior to your marriage?

Mr. TAPE. I refuse to answer.

Chairman WALSH. On what grounds?

Mr. TAPE. The same ground, it might incriminate me.

Chairman WALSH. Where were you married?

Mr. TAPE. I refuse to answer that question, but I will say I was married and have documentary evidence.

Chairman WALSH. I asked you where you were married.

Mr. TAPE. I also refuse to answer that question.

Chairman WALSH. On what grounds?

Mr. TAPE. Might incriminate me.

Chairman WALSH. Have you a certificate of marriage?

Mr. TAPE. I have.

Chairman WALSH. Where is it?

Mr. TAPE. In my possession.

Chairman WALSH. In your pocket?

Mr. TAPE. No, sir.

Chairman WALSH. Where is it, then—what place?

Mr. TAPE. I have it at home.

Mr. BUSIEK. Will you present that to the commission?

Mr. TAPE. Not without the advice of—

Mr. BUSIEK. And exhibit it to the commission?

Mr. TAPE. Not without the advice of my lawyer.

Mr. BUSIEK. Is that the only ground you have?

Chairman WALSH. Have you any other ground for your refusal to present your marriage certificate to the commission except you want the advice of counsel?

Mr. TAPE. No, sir.

Chairman WALSH. Very good. Then let the record show that.

Mr. TAPE. I said a few minutes ago, though, it might incriminate me later on.

Chairman WALSH. You refuse to do it on the advice of counsel, and on the further ground it might tend to incriminate you?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. Did you ever live with a woman by the name of Pearl in Portland?

Mr. TAPE. I refuse to answer that question.

Mr. BUSIEK. On what ground?

Mr. TAPE. Upon the same ground; it might tend to incriminate me.

Chairman WALSH. Does Mr. Taylor know a woman with whom you lived in Portland, whose first name was Pearl?

Mr. TAPE. No, sir; I never knew Mr. Taylor when I lived at Portland.

Mr. BUSIEK. Did you ever live at the Hotel Calhoun here?

Mr. TAPE. I did.

Mr. BUSIEK. Did Mrs. Sutherland live at the Hotel Calhoun at the same time you did?

Mr. TAPE. I refuse to answer that also.

Mr. BUSIEK. On what ground do you refuse to answer?

Mr. TAPE. It might tend to incriminate me later on.

Mr. BUSIEK. How much rent did you pay at the Hotel Calhoun?

Mr. TAPE. I refuse to answer that question.

Mr. BUSIEK. On what ground do you refuse to answer?

Mr. TAPE. It might tend to incriminate me later on.

Mr. BUSIEK. Getting back to Taylor, how many arrests did you make while you were with him this last time?

Mr. TAPE. None at all.

Mr. BUSIEK. How many weeks did you put in on that work?

Mr. TAPE. About six weeks.

Mr. BUSIEK. You had a motor boat?

Mr. TAPE. Under his orders.

Mr. BUSIEK. And you had another inspector helping you?

Mr. TAPE. Yes, sir.

Mr. BUSIEK. And you didn't catch a single smuggler?

Mr. TAPE. No, sir.

Mr. BUSIEK. Did you get any opium?

Chairman WALSH. I wouldn't ask him about that.

Mr. BUSIEK. That is all the questions I want to ask.

Chairman WALSH. Now, Mr. Tape, you will be excused until to-morrow morning at 10 o'clock to appear here without further notice, remembering you are under the same subpoena. You will be excused until 10 o'clock to-morrow morning.

Mr. TAPE. All right.

Chairman WALSH. Call your next.

Mr. BUSIEK. Mr. de Bruler.

TESTIMONY OF MR. ELLIS DE BRULER.

Chairman WALSH. Will you please be sworn? Do you solemnly swear that the testimony which you are about to give at the hearing now pending before this commission, being the investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DE BRULER. I do.

Mr. BUSIEK. Please state your full name.

Mr. DE BRULER. Ellis de Bruler.

Mr. BUSIEK. You are now a practicing lawyer in Seattle?

Mr. DE BRULER. Yes, sir.

Mr. BUSIEK. What was your occupation prior to that time?

Mr. DE BRULER. From September 1, 1909, to November 16, 1913, I was commissioner of immigration at the port of Seattle.

Mr. BUSIEK. And at that time you had under you as Chinese interpreter Frank Tape?

Mr. DE BRULER. Yes, sir.

Mr. BUSIEK. Mr. de Bruler, to get right at the matter, Mr. Frank Tape has been under a cloud here in Seattle, and the commission would like to know what you know about his activities?

Mr. DE BRULER. Now, you mean for me to tell that in my own way, I suppose?

Mr. BUSIEK. Yes, sir.

Mr. DE BRULER. When I went into the service I found that Mr. Tape as interpreter was not very well liked by the officers. It was suspected that he was the confidential agent of the Commissioner General at that time, Commissioner General Keefe, and he was not popular. Later he bought an automobile, and it was a matter of conjecture as to where he got the money to buy the automobile. He told me that he got the automobile through his father. Different ones told me at different times that his father was a wealthy man, and that he later married a woman that had some money, some income. At different times different inspectors would mention the fact to me that they suspected, or conjectured, that he was getting money other than from his salary, and whether or not his father was furnishing him money or whether or not he was getting it through his wife, or how he was getting it, was a matter of conjecture from time to time. At no time, however, was there anything like proof established or sufficient evidence to base any action upon, consequently no action against Tape was ever taken while I was commissioner.

Chairman WALSH. Did you ever inquire of him personally as to these rumors and as to the sources of his income?

Mr. DE BRULER. Nothing further than to inquire of the inspectors from time to time what they knew about him, and I told them at different times when they spoke to me about it, that if they could find anything leading or pointing to where we could discover he was getting anything illegal, to let me know and we would investigate it carefully.

Chairman WALSH. Did you ever talk with Mr. Taylor about it?

Mr. DE BRULER. I never did; any further than I would recall he told me in a general way about his father giving him the automobile.

Chairman WALSH. I didn't catch that.

Mr. DE BRULER. Nothing further than he told me his father gave him the automobile, and I inquired as to his father's income or wealth, and they said he had a wealthy father.

Chairman WALSH. Did you ever inquire of Mr. Taylor? Ever talk to Mr. Taylor about this subject?

Mr. DE BRULER. No, sir. Mr. Taylor came out here just as I was going out of the service.

Chairman WALSH. And you never had any conversation with him about Tape?

Mr. DE BRULER. I think Mr. Taylor asked me how Tape's work was, and I said his work, as far as his work was concerned with me, was very good. Tape is a good interpreter and a good detective, as far as that is concerned. As an officer he makes a good officer, I mean a good interpreter. His general work was all right, no complaint.

Mr. BUSIEK. Did you ever have any complaints about him misinterpreting cases?

Mr. DE BRULER. Not directly. Mr. Monroe, who handled the Chinese work and who reports to me those things directly, spoke to me, I should say, in three or four different cases where I think attorneys complained that Tape had misconstrued—misinterpreted the statements made by Chinamen, but in those particular cases they were cases where his interpretation was in favor of the Government and against the Chinamen.

Chairman WALSH. Were you aware of the personal intimacy between Tape and Mr. Monroe?

Mr. DE BRULER. Yes, sir; I knew Mr. Tape and Mr. Monroe were together as officials every day, because Mr. Monroe used Mr. Tape as interpreter.

Chairman WALSH. Did you know that they visited back and forth at each other's residence and were out riding together, and there was social intimacy between them?

Mr. DE BRULER. That was reported to me only.

Chairman WALSH. Did you make any inquiry as to that?

Mr. DE BRULER. I made no investigation of it.

Chairman WALSH. Did you know whether Tape was a married or a single man?

Mr. DE BRULER. I only knew he was reported as a married man.

Mr. BUSIEK. Did you ever hear reports that he was living in adultery with a woman, or had at Portland?

Mr. DE BRULER. No, sir; I don't recall I ever heard that until I went out of office.

Mr. BUSIEK. Didn't Inspector White tell you he lived at a hotel here in Seattle at the same place Tape and Mrs. Sutherland were, and that Tape was living with Mrs. Sutherland in adultery?

Mr. DE BRULER. Mr. White never told me anything of the kind that I have the slightest recollection of.

Mr. BUSIEK. Didn't you discourage officers under you in coming to you and giving expressions to their suspicions about other employees in the service? Didn't you forbid them to discuss any other member of the service with each other?

Mr. DE BRULER. I don't know that I understand you—that question.

Chairman WALSH. Let me ask the question. Did you issue any instructions to the officers under you as to discussing any shortcoming or alleged offense within their knowledge?

Mr. DE BRULER. I issued instructions at one time that officials knowing or learning of anything against each other should either report it to some one in charge or otherwise not discuss it, so that there would be no mere tattling, but I always told the officers they were free to come to me and discuss any matter that they might see fit.

Mr. BUSIEK. Were those instructions in writing?

Mr. DE BRULER. Yes, sir.

Mr. BUSIEK. I will hand you this and ask you if that is a copy of the order, with the underscoring and all.

Mr. DE BRULER. Yes, sir; that is correct. I recall that that is correct. I will explain how that came about. I found there was more or less trouble arose between officers by mere whispering, talking about each other without it being a matter of sufficient importance to report. It should be reported to some officer in charge, that it might be brought to my attention. This was simply to prevent tattling and the trouble that so often arises among officers; that was all.

(The paper so presented reads as follows:)

No. 3201.

DEPARTMENT OF COMMERCE AND LABOR,
IMMIGRATION SERVICE, OFFICE OF COMMISSIONER,
Seattle, Wash., February 7, 1911.

To all officers:

Should any official misconduct on the part of any officer in this service and this district be brought to the attention of any other officer, the misconduct should be reported to the officer in charge but should *not* be communicated to any other officer or person. In *no* instance should one officer call the attention of another officer to any unfavorable allegation or remark made concerning him by any other officer of this service. This is tattling and is highly detrimental to the service.

Any misconduct on the part of any officer is either grave enough to be brought to the attention of the officer in charge or too insignificant to mention.

Should any officer feel aggrieved at anything said of him he should discuss it *only* with the officer in charge.

An officer who violates either the letter or spirit of this circular will be reported to the bureau with appropriate recommendation.

Respectfully,

(Signed)

ELLIS DE BRULER,
Commissioner.

EldeB-S.

To -----

Chairman WALSH. Had there been any discussion at or prior to the time of the writing of this letter as to the domestic or professional relations of Frank Tape?

Mr. DE BRULER. That circular had nothing to do whatever with any discussion in regard to Frank Tape.

Chairman WALSH. I am asking you whether or not it is a fact that prior to the time of the writing of this letter there had been any discussion in regard to the domestic or official relations of Frank Tape?

Mr. DE BRULER. I wouldn't like to say. I can't remember that now. There was so many things took place I can't remember, and I wouldn't want to testify to a matter unless I remember about it.

Chairman WALSH. Do you recall a discussing—or whispering, as you call it—in regard to any particular officer or upon any particular subject at or immediately prior to the writing of that letter?

Mr. DE BRULER. No; I don't recall anything in particular.

Chairman WALSH. All right. Go ahead.

Mr. BUSIEK. Mr. de Bruler, early in the year 1911, in January—January, 1911—there were nine Chinese certificates lost from your office, and that matter was reported to you at that time by Inspector Stewart, was it not?

Mr. DE BRULER. Inspector Monroe, as I recall it.

Mr. BUSIEK. And the records show that no notice was sent of this—of the disappearance of these certificates—to Washington until the following February, or February the year after. Do you remember that circumstance?

Mr. DE BRULER. I remember the circumstances distinctly of them being lost, and I remember of ordering Inspector Monroe to make a very careful investigation of this and try to get those certificates back, and I remember a number of them were returned—the number of them I don't remember. I do not remember the date of the discovery of their loss, nor do I remember how long after the discovery before they were reported. My report to the bureau, I presume, indicates and states about when they were presumed to be lost, but I could not say as to the dates now. I wouldn't want to try to because I might not be correct.

Mr. BUSIEK. Granting that the record shows that the loss was reported in January, 1911, and that no report was made to Washington until February, 1912, could you give any reason for the delay in writing to Washington?

Mr. DE BRULER. There was no reason excepting that in every case that arose I always tried to make a careful investigation and make a full report if I could, before I made any report at all.

Mr. BUSIEK. Wouldn't it have been a good idea to have put the officers all on their guard to watch out for those numbered certificates? Wouldn't that have been the right thing to do under the circumstances?

Chairman WALSH. He says he don't recall.

Mr. DE BRULER. Now, I don't recall. I don't—

Chairman WALSH. One moment. I will make it short, if you will allow me to:

If such an interval did elapse, assuming that such an interval did elapse between the loss of that papers and the report, have you any reason now to give therefor?

Mr. DE BRULER. I don't remember now what it was, why it was not reported sooner. I can't recall.

Chairman WALSH. These were returned by Frank Tape, were they not?

Mr. DE BRULER. They were.

Chairman WALSH. In company with Inspector Monroe?

Mr. DE BRULER. Yes, sir; they were.

Chairman WALSH. Did he tell you who he got them from?

Mr. DE BRULER. No, sir; excepting that he recovered them from some Chinaman, and I remember in that case—let me make a detailed statement of that right here now. I tried to get Tape to give me the name of the Chinaman through whom he was getting his information as to where the certificates were and what he knew about them. He said that before he could get any information himself he had to state to the Chinaman, through whom he got his information, that he would not divulge his name under any circumstances, and for that reason the Chinaman would not come and present himself to me. I asked him at different times, if possible to get this Chinaman to come to me, that I wanted to talk with him, but he said he had first promised the Chinaman he wouldn't do it, and before I made the final report to Washington or reported to Washington, Frank Tape was called off by the bureau to join Dick Taylor in investigating smuggling in Porto Rico, I think, and when Tape returned I again asked him if it would not be possible for me to get to the Chinaman, and he then said the Chinaman, during the time of his absence, had gone to China.

Chairman WALSH. Did you ask Tape whether he stole the papers himself or not?

Mr. DE BRULER. No, sir; I didn't ask him whether he stole them himself or not.

Chairman WALSH. Did you have any suspicion he might have been the culprit or in league with them under those circumstances?

Mr. DE BRULER. It was a mere speculation as to who took them. Only certain officers had access to the vault.

Chairman WALSH. Who were they?

Mr. DE BRULER. And those I forgot.

Chairman WALSH. Did Monroe have access to the vault?

Mr. DE BRULER. I think he did.

Chairman WALSH. And Monroe and Tape went together to hunt for the papers?

Mr. DE BRULER. Yes, sir.

Chairman WALSH. And Tape came back with the papers?

Mr. DE BRULER. Tape came back—not all at once, these papers were returned at different times.

Chairman WALSH. He brought some back with Monroe?

Mr. DE BRULER. At one time they went to Portland and brought some back.

Chairman WALSH. Did you ever report to the district attorney or attempt to set on foot a prosecution?

Mr. DE BRULER. No, sir; I reported to the bureau. I always report all facts to the bureau.

Chairman WALSH. Did you report that Tape had recovered part of these and refused to divulge the name of the man from whom he obtained them?

Mr. DE BRULER. I don't remember what my report to the bureau contained; that would speak for itself.

Mr. BUSIEK. Do you remember the instance of some 96 students being admitted to Adelphia College here in the year 1910?

Mr. DE BRULER. I do.

Mr. BUSIEK. And it is true, is it not, that all these 96 students deserted Adelphia College and scattered around here in Seattle and around in the country, is it not?

Mr. DE BRULER. The 96 students, as I recall it, were at Adelpbia College but a few months, and upon trying to get trace of them, I was unable to do so.

Mr. BUSIEK. How much of an investigation did you make of that case, or how thorough? Did you find out who brought them over?

Mr. DE BRULER. Yes, sir; it was a Mr. Stevens brought them over.

Mr. BUSIEK. Mr. Stevens was the sponsor, was he not?

Mr. DE BRULER. As I recall it; yes, sir.

Mr. BUSIEK. What was Stevens's explanation?

Mr. DE BRULER. That whole matter has been reported to the bureau some five or six times, and my reports are on file, and I would prefer to refer to *that*, because I might forget. It has been so long ago that I might make misstatements. My reports are on file.

Chairman WALSH. In those reports you undertake to give all the facts within your knowledge?

Mr. DE BRULER. All the facts within my knowledge.

Chairman WALSH. Did Tape have anything to do with the investigation?

Mr. DE BRULER. I don't remember at this time. I do remember that Tape was rather opposed to the admission of these Chinamen in a general way, I don't remember what way.

Chairman WALSH. Did Monroe have anything to do with the investigation?

Mr. DE BRULER. Oh, yes; Monroe and Tape, as I recall it, handled the case.

Chairman WALSH. They handled the whole matter?

Mr. DE BRULER. Those Chinamen were not let in until it was reported to the bureau at Washington, or in fact before they were approved by the bureau at Washington, then they were let in.

Chairman WALSH. Then, after the scattering of the Chinamen, what was done?

Mr. DE BRULER. I asked for a report from time to time as to where they were, but I was unable to find them.

Chairman WALSH. Who was the one who made that report—Mr. Monroe?

Mr. DE BRULER. Mr. Monroe was the one that was to get that report; I am not positive about it.

Chairman WALSH. And Tape?

Mr. DE BRULER. I don't remember whether Tape was detailed on that; I have no recollection of that.

Mr. BUSIEK. Did you ever make an investigation as to Stevens, as to his financial means before and after these students came in?

Mr. DE BRULER. As I said before, yes; and all the investigation I made was at the request of the bureau and reported to the bureau.

Mr. BUSIEK. Did you ever take this matter up with the district attorney?

Mr. DE BRULER. Not that I recall of, at least, I never did.

Chairman WALSH. Was it your custom to report known violations of the law to the Federal officers in the district?

Mr. DE BRULER. My custom was to report everything to the bureau.

Chairman WALSH. Not report direct in any instance?

Mr. DE BRULER. I may have reported direct in some instances to the district attorney, but I don't recall it now. My general practice was to report all facts to the bureau, and let any action be taken from there.

Mr. BUSIEK. Do you remember the case of some students coming through Seattle destined to Ashburnham, Mass., to Cushing Academy, some 24 students, and some correspondence which your office subsequently had with the Boston office in regard to that?

Mr. DE BRULER. There were several bands of students came through; I don't remember that particular band of students now.

Mr. BUSIEK. Did you ever know some Chinese by the name of Moy J. Hing and Sarah E. Hing, his wife, running an old medical company in Seattle, and did you ever call on them and inquire of them as to a bunch of students which they took over to Ashburnham, Mass.?

Mr. DE BRULER. I don't recall, really. About when was that?

Mr. BUSIEK. 1911.

Mr. DE BRULER. They came through Seattle?

Mr. BUSIEK. Yes, sir.

Mr. DE BRULER. There were several bands came through.

Mr. BUSIEK. These students, Mr. de Bruler, entered here in the summer of 1911—in the fall of 1911—and got to Ashburnham, Mass., in November, 1911, and there were 20 of them, and they escaped within three weeks, and the Boston office then took up a search for these students, and the Boston officers

tell us they had some correspondence with your office in regard to Moy J. Hing and Sarah E. Hing, his wife, this Mrs. Moy J. Hing having represented herself as a Y. W. C. A. and W. C. T. U. worker and teacher in China.

Mr. DE BRULER. I have a general recollection of that, but I don't remember particularly.

Mr. BUSIEK. Mr. McCabe succeeded in locating Moy J. Hing and Sarah E. Hing, his wife, in Seattle, and our information is he requested you to take appropriate steps to bring Moy J. Hing and his wife to answer for bringing these students in and furnished you with such evidence as he had. Do you remember ever taking any active steps?

Mr. DE BRULER. Our records will show just what I did. I don't know just what I did.

Chairman WALSH. You have recollection of the details of the Moy J. Hing matter?

Mr. DE BRULER. No, sir; I do not. Our records would show what I did, and that is all I know.

Chairman WALSH. Are you personally acquainted with Moy J. Hing?

Mr. DE BRULER. No, sir.

Chairman WALSH. Are you personally acquainted with Mrs. Hing?

Mr. DE BRULER. I may have met them, but I have no recollection of it. I wouldn't say I haven't met them or talked with them, but I don't now recall it.

Mr. BUSIEK. What is your personal opinion of Frank Tape, as to his honesty and fitness for the service?

Mr. DE BRULER. I don't know just—I scarcely know how to answer that. As an interpreter he is an able interpreter; as a detective he is a good detective; as to whether or not he is dishonest, I am going to give him the benefit of the doubt until he is proved otherwise.

Chairman WALSH. What was the general reputation of Frank Tape in the service—when were these charges brought?

Mr. BUSIEK. July, this year.

Chairman WALSH. What was the general reputation of Frank Tape in the service prior to July, 1914, as to honesty and morality?

Mr. DE BRULER. As I have said several times several of the inspectors at times questioned his honesty.

Chairman WALSH. You know what general reputation is?

Mr. DE BRULER. Yes, sir.

Chairman WALSH. It is what people generally think of a man and say of him.

Mr. DE BRULER. The general reputation; his general reputation among the inspectors as a rule was not very good.

Chairman WALSH. That is all.

Mr. BUSIEK. Did you ever give orders that he be checked up by having the other interpreter follow him in interpretations unknown to Tape?

Mr. DE BRULER. In, I think, two or three cases we did that.

Mr. BUSIEK. Didn't you find discrepancies in every instance where you sent the other interpreter?

Mr. DE BRULER. I don't recall that we did. It wasn't reported to me, if so.

Mr. BUSIEK. Didn't you tell Assistant Commissioner Sargent just before you severed your connection with the service that you didn't have any confidence with Tape, and that if any trouble arose during the new régime that Tape would cause it?

Mr. DE BRULER. I talked the matter of Tape over with Mr. Sargent at different times, and we discussed the fact that he was more or less under suspicion, but always deferred doing anything because we were not able to get any evidence against him.

Mr. BUSIEK. Well, did you ever try to get any evidence against him, did you ever try to substantiate a single charge that you heard against Frank Tape?

Mr. DE BRULER. I told every inspector, sir, and talked to him on the subject, that I wished, if possible, he would bring me something to act upon against Tape, that there was talk from time to time, but I never could get anything on which to base any action or make any report. I want it distinctly understood that the inspectors were free to talk to me about Tape, and I would have been only too glad for them to have gotten any evidence any time if they could have produced it.

Chairman WALSH. Did Tape ever offer you a present large or small?

Mr. DE BRULER. Tape never did, and I want the commission here to distinctly understand that I didn't accept presents from anybody while I was in the service.

Chairman WALSH. Large or small?

Mr. DE BRULER. Large or small, from anybody.

Mr. BUSICK. That is all.

Chairman WALSH. That is all.

Mr. DE BRULER. If my honesty is under question here I want to know it.

Chairman WALSH. Your honesty is not under investigation at all.

Mr. DE BRULER. I probably have made some mistakes. I am human, and presume that I did. But I always acted with what I regarded as the best under all circumstances. And I have no apology to make to any living man as to my conduct during the time I was in the Immigration Service.

Mr. BUSICK. Thank you. Inspector Monroe. Just be seated, Mr. Monroe. First, be sworn.

Mr. BUSICK. Inspector Monroe. Just be seated, Mr. Monroe. First, be sworn.

Chairman WALSH. Be sworn first. You do solemnly swear that the testimony which you are about to give at the hearing now ending before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MONROE. I do.

TESTIMONY OF MR. HENRY A. MONROE.

Mr. BUSICK. Please state your name in full, Mr. Monroe.

Mr. MONROE. Henry A. Monroe.

Mr. BUSICK. And your business?

Mr. MONROE. I am an inspector in the Immigration Service.

Mr. BUSICK. How long have you been in the Immigration Service?

Mr. MONROE. Ten years or more.

Mr. BUSICK. Where were you born, Mr. Monroe?

Mr. MONROE. Born in Canada.

Mr. BUSICK. How long ago?

Mr. MONROE. Fifty years ago.

Mr. BUSICK. How long have you lived in this country?

Mr. MONROE. Thirty-two or three years.

Mr. BUSICK. What occupations have you followed?

Mr. MONROE. I have only been in the Government service.

Mr. BUSICK. And you have been in the Government service how many years?

Mr. MONROE. Since I was 21 years of age.

Mr. BUSICK. And in what departments?

Mr. MONROE. In the Post Office Department in St. Paul, Minn., and between 10 and 11 years in the Immigration Department out here.

Mr. BUSICK. And how long—

Chairman WALSH. At Seattle all the time?

Mr. BUSICK. How long have you been in Seattle?

Mr. MONROE. Seven years.

Mr. BUSICK. Where were you before you came to Seattle?

Mr. MONROE. Port Townsend, Wash.

Mr. BUSICK. And did you serve in any other offices?

Mr. MONROE. I served for a short time at Anacortes up near Port Townsend.

Mr. BUSICK. You are in charge of the Chinese work here at this port, are you not?

Mr. MONROE. Yes, sir.

Mr. BUSICK. How long have you been in charge of the Chinese work?

Mr. MONROE. About eight years.

Mr. BUSICK. And how long has Frank Tape been interpreter here?

Mr. MONROE. Between five and six years.

Mr. BUSICK. Have you another interpreter here?

Mr. MONROE. Yes.

Mr. BUSICK. But Frank Tape is the chief interpreter, is that it?

Mr. MONROE. No; the interpreters are of equal standing; equal salary.

Mr. BUSICK. Whom do you use more?

Mr. MONROE. Beg your pardon?

Mr. BUSICK. Whom do you use the most?

Mr. MONROE. They are used about equally, or have been, I mean.

Mr. BUSICK. Mr. Monroe, are you familiar with the case of the 96 students that were admitted to Adelpia Academy in 1910?

Mr. MONROE. I am.

Mr. BUSIEK. These students, how long were they detained before they——

Chairman WALSH. Let us have a brief history of that entire transaction first in Mr. Monroe's own language, please, from beginning to end, as briefly as you can tell it.

Mr. MONROE. I do not know where to start.

Chairman WALSH. Well, the starting place would be when your attention was first called to the desire of any person to locate such students.

Mr. MONROE. Oh, yes; I get it now.

Chairman WALSH. The very first of the transaction.

Mr. MONROE. Before leaving for China with the idea, apparently, of bringing in a few students or assisting some local Chinese in having their friends brought here as students, Mr. Stevens, a lawyer of this city, called at our office.

Chairman WALSH. What is his first name?

Mr. BUSIEK. Claude E.

Mr. MONROE. Claude E., that is right; Claude E. Stevens. He got a copy of the law and made some inquiries on the subject. He did not go into it very extensively and did not reveal the fact at that time that he intended to bring in a number of students. He was going over there on a trip and stated that there were a few friends in Seattle who had retained him to look after some boys on the way back. Three or four months later——

Chairman WALSH. With whom did he have this conversation, Mr. Monroe?

Mr. MONROE. Myself.

Chairman WALSH. I wish you would state in substance the entire conversation.

Mr. MONROE. I have very nearly told you all he said.

Chairman WALSH. Very good. Very well.

Mr. MONROE. It was a small affair.

Chairman WALSH. That is all you recall?

Mr. MONROE. Yes; some time——some four months later I learned of his having arrived at the port of San Francisco with 44 students for Adelpia College.

Chairman WALSH. Where is Adelpia College?

Mr. MONROE. It is a college here in Seattle situated on the boulevard out near the university district.

Chairman WALSH. Give us a brief description of it. Is it a nonsectarian school?

Mr. MONROE. I think it is connected with the Lutheran Church organization, but I am not sure.

Chairman WALSH. Describe how large a college it is, if you know.

Mr. MONROE. I have only driven past the buildings. There are two large brick buildings.

Chairman WALSH. About how many students?

Mr. MONROE. I have no idea.

Chairman WALSH. Had there been any Chinese there to your knowledge prior to that time?

Mr. MONROE. Some five or six, I understand.

Chairman WALSH. Proceed.

Mr. MONROE. It was two students out of this college that went back with Mr. Stevens and acted as his secretaries and interpreters on the trip. Their names were Paul M. Lewis and Mark Gling. These boys are still in Seattle. I know nothing of the San Francisco 44, except that they were finally landed under bond and that subsequently the bond was canceled and they were landed outright. They came to Seattle and started to attend this college. Some weeks or a month later, about 62 students arrived at this port, the balance of the party. We held them up and submitted the matter to Washington.

Chairman WALSH. Just describe what you did in holding them up.

Mr. MONROE. We examined them.

Chairman WALSH. Who?

Mr. MONROE. Myself and Mr. Mangus and Mr. Stewart, the other inspectors around the office.

Chairman WALSH. What interpreters?

Mr. MONROE. We probably used both interpreters.

Chairman WALSH. Do you recall?

Mr. MONROE. I don't know. The records in our office would show.

Chairman WALSH. Go ahead.

Mr. MONROE. The matter was submitted by me to the commissioner, Mr. de Bruler, and we decided to hold them up, as we thought the movement had a commercial feature to it, and it was submitted to Washington.

The department at Washington directed that we land them under bond if bonds were tendered. Mr. Stevens and the parties interested in the movement objected to giving bond, and after some delay the department directed us to land them outright. And they were so landed. Those boys all went to Adelphia College.

Chairman WALSH. When you made the investigation did you hold them all under the department at Washington? Did you make investigation and make any report to Washington upon which this action was founded?

Mr. MONROE. I don't recall, but I think our report went to Washington prior to the arrival of the students.

Chairman WALSH. And after the arrival of the students, after you concluded they should be held up prior to the time that the order was made from Washington, did you conduct an investigation?

Mr. MONROE. We conducted investigations ourselves—that is, we had Prof. Schmidt, of the college, and Mr. Ericsson, of the board of directors, or whatever his title might be, before our office.

Chairman WALSH. Any other that you recall?

Mr. MONROE. Mr. Stevens.

Chairman WALSH. Did you examine the Chinamen themselves?

Mr. MONROE. The Chinamen were all questioned.

Chairman WALSH. All questioned?

Mr. MONROE. Yes.

Chairman WALSH. And was all of that investigation put in a report and sent to Washington?

Mr. MONROE. No. When Mr. de Bruler's night message which he sent, it set forth that the college was a reputable institution, and as I recall it was in a position to carry out any agreement that they might enter into with those students.

Chairman WALSH. Did you find anything in your investigation; anything that might tend to show that these men were not—the boys were not bona fide students?

Mr. MONROE. We only had our suspicion, and it was because of that suspicion that we submitted it to Washington.

Chairman WALSH. When you discovered from your examination of the students and of the officers of that college and of Mr. Stevens—that tended to prove that they were intended to be used as laborers in this country?

Mr. MONROE. No.

Chairman WALSH. What sort of report did you make to Washington, if you know?

Mr. MONROE. Eventually, you mean?

Chairman WALSH. Any time before they were finally——

Mr. MONROE. We made no report before final action was taken other than a telegram which was sent. I might explain here any Chinese desiring to come to this country as a student must first secure a certificate from the proper Chinese official in China. They then take the certificate to the American consul's office, where there is an officer who will make the investigation, and when a student comes forward with his section 6 paper it will be viséed by our consul or officer over there, and we are required to admit them on identification unless there is something showing that fraud was perpetrated on the consul's office over there.

Mr. BUSIEK. When did you first hear, or how soon after they entered Adelphia College did you first hear of desertions from Adelphia?

Mr. MONROE. Oh, a month, probably, afterwards.

Mr. BUSIEK. And did that tend to confirm the suspicion that you had had originally that these were smuggled laborers?

Mr. MONROE. No. The Chinese claimed that the college did not live up to their contract, but the contract was, I think, that—I think that the boys did not expect to pay anything at all in the way of board or for rooms; they expected the money that they had already advanced for tuition to pay their total expense, as I understand it.

Mr. BUSIEK. Did you talk to any of the boys that left?

Mr. MONROE. I am not sure whether I did or not.

Mr. BUSIEK. Did you afterwards go out to the college and talk to any of the boys that stayed out there?

Mr. MONROE. I never have been to the college.

Mr. BUSIEK. Where did you get the idea that these boys were dissatisfied?

Mr. MONROE. The local Chinese who were interested in the boys.

Mr. BUSIEK. Did you confine your investigation to those local Chinese who were interested in the boys?

Mr. MONROE. Yes, sir.

Mr. BUSIEK. Did you deem that sufficient under all the circumstances?

Mr. MONROE. It is about the only source of information open to us.

Mr. BUSIEK. Couldn't you have taken an interpreter and gone out to the boys and interviewed the remaining ones?

Mr. MONROE. The boys under those circumstances will not talk.

Mr. BUSIEK. Did you make any effort to find the boys who had escaped, through other local Chinese sponsors and friends?

Mr. MONROE. Yes; we did. And Mr. Ericsson had their board of directors' permission of it at the time and he appeared before the office and made a written statement which is in our files, that he would notify us of any boy leaving, and would furnish the address and where he was going to.

Chairman WALSH. At this point we will now adjourn until to-morrow morning at 10 o'clock.

Mr. Monroe, will you please resume the stand at that time?

(Whereupon, at 4.30 o'clock p. m. Monday, August 17, 1914, an adjournment was taken to the following day, Tuesday, August 18, 1914, at 10 o'clock a. m.)

SEATTLE, WASH., *Tuesday, August 18, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Commons, Lennon, O'Connell, and Garretson. E. H. Busiek, Esq., examining counsel. W. O. Thompson, Esq., counsel.

Chairman WALSH. The commission will come to order.

TESTIMONY OF MR. HENRY A. MONROE—Continued.

Mr. BUSIEK. At the conclusion of the hearing yesterday you were speaking about interpreters and whether or not it would be possible to check one interpreter by having an interpretation made by another one following him, and unknown to the first. Is that system practiced?

Mr. MONROE. It is practiced very seldom. I have done that myself a few times when I thought there might be some mistake in the first interpretation.

Mr. BUSIEK. Did you find any discrepancy?

Mr. MONROE. I one time found a slight discrepancy in a case.

Mr. BUSIEK. How often have you done that, would you say?

Mr. MONROE. I would not say over three or four times.

Mr. BUSIEK. We were talking about the admission of students to Adelphia College. Has it been a practice to require students to give bond insuring their bona fides?

Mr. MONROE. The department has such a regulation—such a requirement in the present regulations. It has never been done in this district.

Mr. BUSIEK. That is known as Circular 220, is it not?

Mr. MONROE. Circular 220 is simply covering a form for general admission under bond, and does not pertain to students especially.

Mr. BUSIEK. Were any bonds required of the students admitted to Adelphia College?

Mr. MONROE. The department at first directed we should land them under bond; afterwards they withdrew that requirement and landed them unconditionally.

Mr. BUSIEK. Have you a copy of the telegram which you sent to the department in regard to these students?

Mr. MONROE. I have.

Mr. BUSIEK. Will you read it?

Mr. MONROE (reading):

"IMMIGRATION BUREAU,
"Washington, D. C., December 6, 1911.

"Fifty-six students arrived December 2, destined Adelphia College, Seattle; apparent between 12 and 20 years; can not speak English, but give evidence of

having been students in China; claim to be sons of business men. Have from \$200 to \$350 gold each; college reputable, and in fact is of the highest integrity; arrangements for reception of students perfected, rumored but not proved that certain local Chinese will benefit financially through undertaking; Attorney Stephens, instructor Adelphia, went to China and acted as adviser, he being paid his expenses and reimbursed for loss of time and business here by students; certificate regular; investigation complete; apparently seem to have met law's requirements; am satisfied to admit, but owing to possible commercialism suggested by a rumor and large number shall appreciate bureau's advice.

"(Signed) DE BRULER."

Mr. BUSIEK. Now, what is your file number on that?

Mr. MONROE. 28623.

Mr. BUSIEK. What reply was received to that wire?

Mr. MONROE (reading):

"IMMIGRATION SERVICE,
"Seattle, Wash., December 7, 1911.

"Bonds under Circular 220 should be exacted in cases 56 students. Group 40 students collected by same parties, destined same college, admitted under bonds at San Francisco last month.

"(Signed) CABLE."

Mr. BUSIEK. Who is Cable?

Mr. MONROE. At that time he was Assistant Secretary, Department of Commerce and Labor, Washington.

Mr. BUSIEK. What became of these students? Did you exact bonds?

Mr. MONROE. We notified Mr. Stephens that bond would be required, and under date of December 11, four days later, this telegram was received from Washington [reading]:

"IMMIGRATION SERVICE, SEATTLE, WASH.

"Referring further your telegram 6th instant, land 56 students without requiring bond.

"(Signed) CABLE."

Chairman WALSH. There was no bond at any time required of those?

Mr. MONROE. No.

Mr. BUSIEK. Does your correspondence show what influences were brought to bear or who interceded for those Chinese with the department in Washington?

Mr. MONROE. Later on the bureau forwarded this office copies of different letters it had written to Senators Jones and Poindexter, and Congressman Humphreys.

Mr. BUSIEK. Those letters are all in this same file number?

Mr. MONROE. They are; yes, sir.

Mr. BUSIEK. The students were then ordered admitted?

Mr. MONROE. Yes.

Mr. BUSIEK. And what was the next you heard of them, then?

Mr. MONROE. Some time later one Jones, of this city, a lawyer in the New York block, took up the matter with the bureau, and maybe the Department of State, of having other students admitted to Adelphia College. And the bureau asked us for a confidential report as to our experiences with those that had been admitted—had heretofore been admitted.

Mr. BUSIEK. In brief, just tell us the substance of your report to the bureau.

Mr. MONROE. September 9, 1912, that report is dated; and in substance it was to this effect, that about a dozen of the boys admitted, left the school at the end of the first month, about the same number the second month, and so on during the year, until at the close of the school year the following June there were but 21 remaining to take the final examination.

Mr. BUSIEK. Did the 21 return the following year?

Mr. MONROE. Not one of the 21 returned the following year.

Mr. BUSIEK. Did you communicate that experience to the department at Washington?

Mr. MONROE. I did.

Mr. BUSIEK. Did you tell the department that you understood that Stephens had profited financially for his part in bringing these students over?

Mr. MONROE. I told him that from Chinese sources such information had been received.

Mr. BUSIEK. You told whom that?

Mr. MONROE. The bureau.

Mr. BUSIEK. Did they request any further investigation along that line?

Mr. MONROE. Shortly thereafter I received a request from the consul at Hongkong requesting a report as to the standing of Mr. Jones and as to what had become of the 100 students admitted the year before to enter Adelphia College. We reported all the facts to Mr. Anderson at Hongkong. I believe on that report Mr. Jones was unable to secure any students to come to this country.

Mr. BUSIEK. What has the consul at Hongkong got to do with it?

Mr. MONROE. He investigates every student application for a section 6 certificate. He must pass it before the boy can proceed to America.

Mr. BUSIEK. Have you a copy of those instructions from the department in regard to section 6 certificates?

Mr. MONROE. I have; yes, sir.

Mr. BUSIEK. Will you read that to the commission?

Mr. MONROE (reading) :

“ SEPTEMBER 15, 1911.

“ To commissioners of immigration, San Francisco, Seattle, Boston, New Orleans, Montreal, San Juan, P. R., and to inspectors in charge Honolulu, San Diego, Portland, New York, and Jacksonville.

“An arrangement has been consummated with the Department of State under which Messrs. John B. Sawyer and Joseph X. Strand, former agents and inspectors at Portland and San Francisco, have received an appointment as deputy consuls general and clerk and have been assigned to duty at the consulates general at Hongkong and Canton, respectively. They will reach their station about November 1 and will thereafter investigate all applicants presenting section 6 certificates for visé. The certificates will be viséed by the consuls general as heretofore, but the two officers mentioned will indicate that such visé is based upon an investigation conducted by them by placing their initials upon the certificates in each instance. Certificates initialed and viséed in the manner described should be accepted as practically conclusive evidence, and the applicants presenting same should be landed promptly upon identification and the asking of only such questions as are necessary for that purpose and for the purpose of creating a brief record for possible future reference with regard to the members of their immediate families. No such applicant should be rejected unless some fact or circumstance exists which raises a serious doubt regarding his identity or shows clearly that a fraud has been perpetrated.

“(Signed) F. L. LARNED,
“Acting Commissioner General.

“Approved.

“ BENJAMIN CABLE,
“Acting Secretary.”

Mr. BUSIEK. Now, under those instructions I take it you merely take their declarations as to whether or not they are to become students and trust to the investigation which was made in China?

Mr. MONROE. That is correct.

Mr. BUSIEK. As to their status?

Mr. MONROE. That is correct.

Mr. BUSIEK. Did you ever make an investigation as to the profit which Stephens made out of the transaction?

Mr. MONROE. I questioned Mr. Stephens himself on that subject when he arrived here with the students, and he admitted having all his expenses paid, of himself and wife who accompanied him. But I am not sure as to a third party. He admitted that he received compensation for his loss of time and law practice in Seattle.

Mr. BUSIEK. Did he say in what amount?

Mr. MONROE. He did not.

Mr. BUSIEK. Did you ever make an investigation?

Chairman WALSH. Did you ask him what he would receive?

Mr. MONROE. I doubt if I did, Mr. Walsh.

Mr. BUSIEK. Do you know of his financial condition before he went over to China, or did you ever investigate to see what that was before he went?

Mr. MONROE. I never have investigated his financial standing.

Mr. BUSIEK. Did you know that before he went to China he was a teacher in Adelphia College and had no law practice?

Mr. MONROE. I understood that he was a teacher in Adelphia College part of the day, and kept open a law office at the same time.

Chairman WALSH. What is the date of that Larned letter?

Mr. MONROE. The circular letter is dated September 15, 1911.

Chairman WALSH. When were the Adelphia students brought in?

Mr. MONROE. They were admitted December 12, 1911.

Chairman WALSH. And the Ashburton students, when were they admitted? Was that in 1911 also? In November?

Mr. MONROE. That is right.

Chairman WALSH. Mr. Busiek, there were how many that came in?

Mr. BUSIEK. Ninety-six.

Chairman WALSH. Well, your first figures I thought made 106.

Mr. BUSIEK. Frisco, 40; and Seattle, 56.

Chairman WALSH. And how many at the other place?

Mr. BUSIEK. Twenty.

Chairman WALSH. Mr. Monroe, what is a smuggled Chinaman worth in this country?

Mr. MONROE. I don't know. We have rumors that a Chinaman will pay, to be successfully smuggled into the country, all the way from \$300 to \$500.

Chairman WALSH. We heard at Boston that he was worth \$500.

Mr. BUSIEK. Five hundred to seven hundred and fifty dollars.

Mr. MONROE. That depends upon the class.

Mr. BUSIEK. Now, have you located any of these students that escaped from Adelphia?

Mr. MONROE. At the time the boys were admitted Mr. Ericcson, chairman of the board of directors of Adelphia College, which, by the way is a Baptist institution and not a Lutheran, as I testified yesterday, promised to furnish us with the addresses of the boys as they left the school. He was unable to fulfill his agreement, and we have no information as to the whereabouts of these boys to-day except some five who are here in Seattle.

Mr. BUSIEK. What are they doing?

Mr. MONROE. Well, those five seem to be students.

Mr. BUSIEK. Where are they attending school?

Mr. MONROE. At the present time I could not tell you.

Mr. BUSIEK. Did you ever send out your interpreters to try to run them down?

Mr. MONROE. We sent out an inspector and interpreter.

Mr. BUSIEK. Who?

Mr. MONROE. Either Mr.—I have gone myself sometimes.

Mr. BUSIEK. Did you ever go out to Adelphia?

Mr. MONROE. I have never been to Adelphia College.

Mr. BUSIEK. Did you ever send down for any of the remaining boys to try and question them?

Mr. MONROE. No; we have not questioned the boys themselves.

Mr. BUSIEK. Each boy has to have a sponsor, does he not, under the department ruling? That is, that he must be assigned to some one's care—the care of some one who looks after him?

Mr. MONROE. The present regulation or requirement is that he shall be consigned to or assigned to some institution of learning. That was not required at the time these students were admitted.

Mr. BUSIEK. Didn't they have some friend or sponsor at that time?

Mr. MONROE. Not in this country.

Mr. BUSIEK. Has the matter of requiring bonds from students been abolished?

Mr. MONROE. Secretary Norville abolished it shortly after the Adelphia College experience, but it has been reinstated in the present regulations, but I don't know of it ever having been put into effect.

Mr. BUSIEK. Do you take bonds now?

Mr. MONROE. We would require bonds of any parties coming in at the present time.

Mr. BUSIEK. Will you read Secretary Norville's communication in regard to bonds?

Mr. MONROE. April 6, 1912 [reading]:

"Memoranda in the case of Chinese students, Adelphia College:

"In this case, after full consideration with the assistant secretary, it has been concluded to release the bonds. They were accepted because they were offered. If they had not been offered perhaps some of the persons interested

might not have been admitted, but be that as it may, our conclusion is that the bond system has no proper application in the case of students. The treaty gives them the right to come and go and we must respect that right without subjecting the students to anything that might be construed into embarrassment or burden. In the last analysis the responsibility rests with the Department of State, and we are bound to respect the certificates issued by its representatives unless we find that fraud has been practiced. This does not mean that bonds may not be taken while the question of admission or rejection is under consideration."

Chairman WALSH. As an expert in this department, I would like you to just state what you would consider fraud to be.

Mr. MONROE. Fraud in cases of that character usually consist in an altered certificate. For instance, they will sometimes erase the name and put in the name of another person.

Chairman WALSH. I mean now in the case of students, what would you think was a fraudulent act?

Mr. MONROE. That is what I am describing, is really the only fraudulent act that we have come in contact with. They will take and bleach the photograph on the certificate white, take a new photograph printed on a transparent film and paste it over the top of it—a very clever thing—and the wrong boy will come forward with the certificate.

Chairman WALSH. What is the use of the wrong boy coming, if they just come in that way? Why don't the wrong boy start in? All he would have to do is to say he wanted to go to school, and convince the consul over there that he desired to go to school, and come over and get in for a day and walk out and get a job in a laundry in Seattle. That would be the practical working of it, would it not?

Mr. MONROE. No.

Chairman WALSH. Did you grab any of them that went through this college in this way and try to send them back—I don't mean you, did any of them?

Mr. MONROE. There have been a few arrested and taken before the commissioner on the charge of entering the country unlawfully. But let me go back to the getting of certificates. It is a very hard undertaking in China to get a section 6 certificate in that it costs anywhere from three to ten hundred dollars Mex. to grease the way to get that certificate, and a certificate is of much value to a Chinaman in China, who has an exempt status. The certificate is issued on the status of the man in China. A man who has an exempt status, or has a boy who has an exempt status, will get this certificate for his boy, change the photograph and sell it to some other boy who didn't have a status on which he could get the paper.

Commissioner O'CONNELL. That is the greasing of it?

Mr. MONROE. That is what I mean.

Commissioner O'CONNELL. What is the law on the matter?

Mr. MONROE. The law on the matter is that the Chinese for the purpose of exclusion from the United States shall be divided into two classes, laborers and exempts. Laborers can not come to this country at all, but exempts can come on securing this certificate.

Chairman WALSH. Where is John B. Sawyer now?

Mr. MONROE. At Hongkong.

Chairman WALSH. And Joseph Strang?

Mr. MONROE. At San Francisco. He has been succeeded at Canton by a man by the name of Weber.

Chairman WALSH. Did you know Sawyer at Portland?

Mr. MONROE. I know him personally.

Chairman WALSH. How long has he been inspector there?

Mr. MONROE. Well, anywhere from about eight years possibly.

Chairman WALSH. He is still there?

Mr. MONROE. He is still there.

Chairman WALSH. Is he a friend of Mr. Taylor's, too?

Mr. MONROE. I think not.

Chairman WALSH. Does he know Mr. Taylor to your knowledge?

Mr. MONROE. He might have a passing acquaintance.

Chairman WALSH. Is he a friend of Mr. Tape's?

Mr. MONROE. No.

Chairman WALSH. Did Tape ever work with him?

Mr. MONROE. Tape worked in that office during the time Sawyer was there. Mr. Sawyer, in my opinion, is a very able, conscientious man.

Chairman WALSH. How is that?

Mr. MONROE. I say Mr. Sawyer, in my opinion, is a very able, conscientious man.

Chairman WALSH. While we are on the subject, what is your opinion of Mr. Tape?

Mr. MONROE. I don't think he is honest.

Chairman WALSH. What has been the reputation, the general reputation in the department for honesty and morality of Mr. Tape during the past five or six years?

Mr. MONROE. By department, you mean locally?

Chairman WALSH. Locally, certainly, among the other officials, inspectors, and interpreters.

Mr. MONROE. Mr. Tape came to our office between five and six years ago, holding a special commission from the Commissioner General. At that time we understood he was a trusted employee of the department. After he had been at our office a year or two rumors began to come in connecting him with irregular work. And during the past two years these rumors have been most persistent, and have led to more or less quiet investigation. About six or eight months ago Commissioner White started an investigation which has shown conclusively that he has been collecting money from the Chinese.

Chairman WALSH. But my question was—I will limit it, say, to the past three years—what has been his reputation in the department? You know what reputation means, the way he is generally held by the other officials, what his general reputation has been during the past three years for honesty and morality.

Mr. MONROE. I think three years ago there was quite a suspicion that he was dishonest, and that has grown until it has been all controlling, I think, the past year or more, that he is dishonest.

Chairman WALSH. His general reputation, then, you say, for the past three years for honesty is bad?

Mr. MONROE. I would, yes.

Chairman WALSH. Now, as to morality?

Mr. MONROE. Well, we didn't know much about his morality within the past six months. We now know.

Chairman WALSH. Would you say that his reputation until within six months from now was good?

Mr. MONROE. I could not say that.

Chairman WALSH. Could you say whether it was good or bad?

Mr. MONROE. Well, as a matter of fact, I don't know.

Chairman WALSH. Go ahead, Mr. Busiek.

Commissioner O'CONNELL. Just a minute, do you know Mr. Edsall, of Frisco?

Mr. MONROE. I do, yes.

Commissioner O'CONNELL. And have you known him any length of time?

Mr. MONROE. Ten years or more.

Commissioner O'CONNELL. Been associated with him?

Mr. MONROE. I have.

Commissioner O'CONNELL. What is your opinion of Mr. Edsall?

Mr. MONROE. I think he is a very able Government officer.

Commissioner O'CONNELL. Do you know anything about the differences that are going on now between Ainsworth and Norville?

Mr. MONROE. I know only what I have seen in the public press, and Mr. Edsall was in this city about one month ago, and he told me more or less of the trouble.

Commissioner O'CONNELL. You only know then what he told you?

Mr. MONROE. That is all I know.

Mr. BUSIEK. Do you know a Chinaman by the name of Moy J. Hing?

Mr. MONROE. I do.

Mr. BUSIEK. And Sarah Hing, his wife?

Mr. MONROE. I do.

Mr. BUSIEK. What business are they in?

Mr. MONROE. I talked to them in the anteroom yesterday, and found they are now located in Ellensburg.

Mr. BUSIEK. Did you know them in Seattle?

Mr. MONROE. Just slightly.

Mr. BUSIEK. What business were they in in Seattle?

Mr. MONROE. Moy J. Hing was running a little Chinese medicine estab-

ishment

Mr. BUSIEK. Did he hold himself out to be a Chinese doctor?

Mr. MONROE. I think he did, but he may have only been selling proprietary medicines, I would not be sure of that.

Mr. BUSIEK. Now, Moy J. Hing and Sarah Hing took a bunch of 20 students to Cushing College, at Ashburnham, Mass.

Mr. MONROE. Yes, sir; they were admitted through the port of Vancouver in November, 1911.

Chairman WALSH. I want to get the date of admission of the Adelpia students, both bunches.

Mr. MONROE. I haven't the date of the San Francisco bunch. The boys at Seattle were admitted December 12, 1911.

Chairman WALSH. Isn't there some reference in the files in regard to the admission of these boys in San Francisco?

Mr. BUSIEK. They were admitted in October, 1911.

Mr. MONROE. About one month prior to these at this port.

Mr. BUSIEK. You were notified, were you not, that Sarah Hing and Moy J. Hing had brought these students to Cushing College and they stayed about three weeks and all the students had left, were you not?

Mr. MONROE. Yes, sir.

Mr. BUSIEK. Did you call them into your office, or go to see them in regard to this matter?

Mr. MONROE. About one year ago Mrs. Hing came to our office and said she felt greatly aggrieved over all the reports which had reached her about those students she had brought in through Vancouver having not been bona fide students. She had in her hand the names and addresses of each one of the students and said she was prepared to show us that all had remained members of the exempt classes and she wanted us to look into it, and she said she was taking the matter up herself with the Commissioner General. She claimed they sent the Vancouver office all the records in this case and conducted an investigation. That is, we sent their records of each boy to the inspector in charge of the district where she gave the boy's present address. That took a long time, but we finally checked them all up and found that one or two of them had remained students, a few more were found around laundries and stores, and the remainder of them could not be located.

Mr. BUSIEK. Would your correspondence show what Mrs. Hing had held herself out to be in China? Did you ever hear she was a worker in the Y. W. C. A. and W. C. T. U.?

Mr. MONROE. She claimed to me in conversation that she had been a teacher of Chinese boys in China.

Mr. BUSIEK. Did she ever claim to you she had been engaged in religious work?

Mr. MONROE. I don't recall such a statement.

Mr. BUSIEK. Did you ever hear from any other office?

Mr. MONROE. I have not.

Mr. BUSIEK. Did you ever present the matter of this Cushing Academy to the district attorney? Is Vancouver under your jurisdiction here?

Mr. MONROE. No, sir.

Mr. BUSIEK. Did you ever, or did Mr. de Bruler ever present the matter of the Adelpia College to the district attorney for investigation?

Mr. MONROE. No, sir.

Mr. BUSIEK. Have you ever presented any matters of smuggling to the district attorney?

Mr. MONROE. We have one case pending at the present time.

Mr. BUSIEK. That is the only one in how many years?

Mr. MONROE. In my experience.

Mr. BUSIEK. Haven't you come across the trail of smugglers often before, or people who were bringing Chinese in by fraud?

Mr. MONROE. The policy of the bureau, as I understand it, has been simply to deny these suspicious cases admission, and return them to China.

Mr. BUSIEK. And it has never been the policy of the department to actively seek out the conspirators in these cases and punish them?

Mr. MONROE. No, sir; I think not. There is a little difference between these that are applying for admission and those that we catch occasionally being smuggled in. Those, of course, all go before the court.

Mr. BUSIEK. For instance, where you catch a man in a boat, catch him with the goods, you bring him into court?

Mr. MONROE. To the court; yes, sir.

Mr. BUSIEK. As an experienced immigration officer, don't you think it would have a salutary effect if you would bring some of these conspirators before the court and convict them?

Mr. MONROE. I made one mistake. I recall now of our having taken the question of the indictment of Mark Ten Suey of this city before the United States attorney's office some six or seven or eight years ago. The case failed, however, when we took it before the grand jury. This last year we have had one Loo Wing of this city indicted on a charge of conspiracy, and that matter is now pending before the court here. I think that action will have a very salutary effect upon the Chinese.

Chairman WALSH. When was that?

Mr. MONROE. The indictment was secured maybe three or four months ago.

Commissioner LENNON. This man Stevens that brought the students to Adelphi College, if it was proved he was paid for this, has he violated the law?

Mr. MONROE. I would hardly think so. He is an attorney, and I think he could charge for his services.

Commissioner LENNON. Supposing it was proven at the same time they were not bona fide students?

Chairman WALSH. That they were intended to go into labor?

Mr. MONROE. If you could prove a charge of conspiracy and that he violated the law, then you could get into court.

Chairman WALSH. You could prove it by the fact that he got the money and never did anything like that before, and that they brought them back, and that they never left the place there where they were laboring. Would you consider that circumstantial evidence that there was fraud intended when they were brought over here, and the fact that money was paid to have it done? Would that be a violation of the law?

Mr. MONROE. I certainly would think so.

Chairman WALSH. You wouldn't think so?

Mr. MONROE. I would think so.

Chairman WALSH. Whose duty is it in behalf of the United States Government at this point to present such matters to the law?

Mr. MONROE. All those matters are reported to the bureau as they arise.

Commissioner LENNON. The bureau at Washington?

Mr. MONROE. By the bureau I always mean Washington.

Chairman WALSH. And it is intended by the office out here that the bureau take action, if any?

Mr. MONROE. The bureau always directs where they wish action taken.

Chairman WALSH. Suppose Stevens wasn't a lawyer and he disappeared, and you saw him with his grips waiting for a train, would you arrest him or would you send to the bureau?

Mr. MONROE. We would send it to the bureau because we would have nothing on which to arrest him.

Chairman WALSH. Even if you had the evidence that he got the money; that the alleged students came in and immediately scattered out among Chinese laundries, and that he was starting away; that would be reported to the bureau at Washington?

Mr. MONROE. It certainly would.

Chairman WALSH. And you wouldn't arrest him or call the attention of the district attorney to it?

Mr. MONROE. Oh, we might suppose a hypothetical question so raw we would have to do that.

Chairman WALSH. It would have to be awfully raw?

Mr. MONROE. Yes; because we have no authority within ourselves.

Chairman WALSH. Yes; I see.

Mr. BUSIEK. Have you ever got any instructions from Washington not to bring cases without first presenting them to the bureau?

Mr. MONROE. I don't think we have. It is just a practice that has grown up.

Mr. BUSIEK. This Chinaman Loo Wing, who is now indicted, did he not through his attorney make charges against Inspector Tape and yourself some time prior to this?

Mr. MONROE. I don't understand he ever did.

Mr. BUSIEK. You know nothing of any such occurrence?

Mr. MONROE. I know, of course, practically everything that has been developed in this special investigation by Mr. Bonham, who appeared here on the stand, and I am now told that Mr. Loo Wing has made a statement to Mr. Bonham in which he says Mr. Tape collected money for me. I myself prevailed upon

Mr. Loo Wing's attorney to get Mr. Loo Wing to make a statement, and he finally succeeded in doing it.

Mr. BUSIEK. Had you ever heard that before, that Tape was collecting money saying that part of it had to go to you?

Mr. MONROE. I have heard rumors to that effect prior to this past year. This past year I have heard it quite often.

Mr. BUSIEK. Did you ever run any of those rumors down?

Mr. MONROE. I have more or less.

Mr. BUSIEK. What did you find?

Mr. MONROE. I found it was simply talk among the Chinese, and never could find anyone who had paid money.

Chairman WALSH. When did you first hear that?

Mr. MONROE. I think anywhere from six months to a year ago.

Chairman WALSH. And where did you hear it?

Mr. MONROE. Possibly in the office.

Chairman WALSH. In your office?

Mr. MONROE. Possibly sometimes when I might be down town looking up a Chinese matter, some Chinaman who was talking to me might make such a statement.

Chairman WALSH. When did you first hear the first rumor of that sort?

Mr. MONROE. That is difficult to answer, Mr. Walsh.

Chairman WALSH. Could you approximate how long ago it was?

Mr. MONROE. I would think maybe a year ago; that might be six months off either way.

Mr. BUSIEK. Did you ever take that up with Tape?

Mr. MONROE. I have never accused Mr. Tape of collecting money for me.

Chairman WALSH. No; but did you ever ask him if he had said that to anyone?

Mr. MONROE. I don't think I did. I reported the matter to Mr. de Bruler, the commissioner.

Mr. BUSIEK. Mr. de Bruler was commissioner when you heard that rumor?

Mr. MONROE. Yes, sir.

Mr. BUSIEK. That would make it longer than six months ago?

Mr. MONROE. Mr. de Bruler has been out of office about eight months.

Chairman WALSH. Did you report the first one to Mr. de Bruler?

Mr. MONROE. I reported to Mr. de Bruler my first suspicion.

Chairman WALSH. Did you report every time you heard it?

Mr. MONROE. No, sir; I could not say that.

Chairman WALSH. Did you report in writing to him or orally?

Mr. MONROE. Orally.

Mr. BUSIEK. You have worked with Tape yourself, have you not—that is, used him as your interpreter when you would go out on any special mission?

Mr. MONROE. I have used him a good deal, but not so much as other boys in the office, because I have done very little examining myself in the past three years or so.

Mr. BUSIEK. Tape has been allowed a very wide latitude in your office—almost doing the work of an inspector. He has had access to the files and can request the holding up of a case and it is held up at his request, is that not true?

Mr. MONROE. That is a little overdrawn. He has had no access to the files for the past three years. He can not hold up a case, although he could report to the inspector, examining a case, that he had confidential information that this man was not all he claimed to be and that report would bring about a delay pending further investigation.

Mr. BUSIEK. The inspector would hold the case until Tape was ready to report?

Mr. MONROE. Well, that is hardly correctly stated. The inspector would hold the case and make an investigation himself.

Mr. BUSIEK. That would make it possible, if Tape were corrupt, if the inspector acted upon his request, to hold up a Chinaman until Tape would have a chance to go around and collect his money, would it not?

Mr. MONROE. That is true.

Mr. BUSIEK. And Tape could then come to the inspector and say his information was a false scent?

Mr. MONROE. He could do that.

Mr. BUSIEK. And the Chinaman would then be passed?

Mr. MONROE. If everything else was all right.

Mr. BUSIEK. Did you ever have a suspicion that that was going on?

Mr. MONROE. I have had; yes, sir.

Mr. BUSIEK. Did you ever make an investigation?

Mr. MONROE. Yes, sir.

Mr. BUSIEK. What aroused your suspicions, and tell us about the investigation.

Mr. MONROE. Some two or three years ago Judge Humphreys, of this city, telephoned me one day and said there were two Chinamen in his office making charges against Tape. I hurried down to his office and interviewed two men there, and their statement was to the effect that a certain man was being held up by Tape. I returned to the office and reported the matter to Commissioner de Bruler. He detailed Mr. Mangles and myself to make the investigation. We arranged to meet the Chinamen at the Stephens Hotel and tried to lay a trap for Tape. The Chinamen seemed perfectly willing to help us at that time, but in a few days they said they could not do anything, and the matter dropped for want of evidence.

Commissioner LENNON. Was your suspicion reported to the department at Washington?

Mr. MONROE. I don't know whether that experience was or not.

Chairman WALSH. You would have a file of that here?

Mr. MONROE. I would have a file of everything.

Chairman WALSH. I wish you would let us know, when you are excused from the witness stand, whether or not that incident of Judge Humphreys calling your attention to the matter, the investigation you made, and the information you received was communicated to Washington, or exactly what file you have in the office now.

Mr. MONROE. I will try to do that.

Commissioner LENNON. To whom do you address matters of report that go to Washington?

Mr. MONROE. They are addressed to the Commissioner General of Immigration, regardless of who is on duty there.

Mr. BUSIEK. Did you have any other suspicions concerning Tape's activities along these lines?

Mr. MONROE. There have been numerous causes for suspicion this last year or two.

Mr. BUSIEK. Well, let's get back of this last year.

Mr. MONROE. Something a little over two years ago we lost out about——

Chairman WALSH. I want to ask you, from what Judge Humphreys told you and the general looks of that, did you think Tape had been after those two Chinamen and somebody had afterwards gotten to them and got them to lay down from divulging it? How did it look to you?

Mr. MONROE. At that time I wasn't so positive in my convictions as I am to-day.

Chairman WALSH. How did it look to you at that time, though?

Mr. MONROE. It looked bad.

Chairman WALSH. You were setting a trap and thought you were going to catch him?

Mr. MONROE. We tried to.

Chairman WALSH. And the only reason that kept you from doing it was that the Chinese laid down on you?

Mr. MONROE. They quit on us.

Chairman WALSH. Judge Humphreys thought it was so?

Mr. MONROE. No doubt about it.

Chairman WALSH. And they had made statements to Judge Humphreys as to the details of the crime?

Mr. MONROE. Yes, sir.

Chairman WALSH. Judge Humphreys had communicated that to you?

Mr. MONROE. Yes, sir.

Mr. BUSIEK. Had Loo Wing's attorney ever made complaints of Tape at that time?

Mr. MONROE. No, sir.

Commissioner LENNON. Do you know whether the judge in such a case would have to make a report to the legal department in Washington, or would his duty be fulfilled in reporting to the office here?

Mr. MONROE. He only did that as an interested citizen, that is all.

Mr. BUSIEK. I had asked you the question what other suspicious things you had seen prior to the last year and that you have inquired about or investigated.

Mr. MONROE. I was saying between two and three years ago we discovered the loss of nine certificates of residence out of our files. That is, we accidentally discovered the loss of one, and that led us to a checking of all our files and we found nine missing. I reported the matter to Mr. de Bruler, and it was our opinion at that time that Mr. Tape was possibly the guilty person.

Mr. BUSIEK. Did Mr. de Bruler concur with you in that belief?

Mr. MONROE. He did.

Mr. BUSIEK. Do you remember any specific expression he may have made?

Mr. MONROE. No, sir; I don't.

Mr. BUSIEK. But he did express himself?

Mr. MONROE. He did.

Mr. BUSIEK. That he thought Tape was the man who had done it?

Mr. MONROE. Yes, sir.

Mr. BUSIEK. On the theory that Tape was the only man who could successfully dispose of them, and who had access to the files?

Mr. MONROE. No, sir; it was just simply due to our growing suspicion that he might be irregular.

Mr. BUSIEK. His reputation at that time warranted you in believing he might take those certificates?

Mr. MONROE. He might have.

Mr. BUSIEK. That was back in 1911 in January, was it not?

Mr. MONROE. I don't believe I can give you that date, I think it is later in 1911.

Mr. BUSIEK. Some of those certificates were subsequently recovered?

Mr. MONROE. Yes, sir; three of them.

Mr. BUSIEK. What action did Mr. de Bruler take toward the recovery of those certificates?

Mr. MONROE. Mr. de Bruler made a personal investigation of the matter, issued orders at that time that no one but the file clerk should have access to the records, and considered the matter as he thought advisable.

Mr. BUSIEK. What orders did he give to Tape looking toward the recovery of those certificates?

Mr. MONROE. He interviewed Mr. Tape, and I have been led to believe he practically charged him with taking the certificates.

Mr. BUSIEK. On what do you base that statement that you were led to believe that?

Mr. MONROE. Well, incidental conversation with Mr. de Bruler.

Mr. BUSIEK. All right. Go ahead.

Mr. MONROE. Later on he stated—took the matter up with Mr. Tape and, I believe, told him it was up to him to recover the certificates. By way of explanation, I might say that Mr. Tape came to our office with the reputation of being a sort of detective. He had a personal detail from the Commissioner General to investigate conditions in our district and report confidentially to him. He also had been assistant to Special Agent Taylor for many years. So we regarded him as a confidential man from the bureau with detective ability. So Mr. de Bruler stated that he expected him to recover those certificates. In time Mr. Tape located one of the certificates in Seattle, stating that this certificate had been peddled in Chinatown by some employee of the office.

Mr. BUSIEK. Name him.

Mr. MONROE. He described a watchman that we thought might be Watchman Lewis. He stated that this man from whom he secured the certificate had paid \$25 for the same, and that he personally had given a \$10 reward for turning it in. Mr. de Bruler pressed Mr. Tape very hard for the name of the Chinaman and insisted on his bringing him to the office. But Mr. Tape claimed the Chinaman departed for parts unknown and was never able to bring him to the office so that we might question him. Later on we learned from Tape that some of the certificates were in Portland. Mr. de Bruler detailed me then to go to Portland and take Tape along to see if we could recover any of the certificates there. I went with Mr. Tape to Chinatown a few times, but he always talked with the Chinese in his own language, so I don't know what was said. He claimed, however, that he traced two of them to some country town and claimed to have telephoned to the parties in that town and had them

brought back to Portland—had the certificates brought into Portland. Two of the certificates were then turned over to me by Tape.

Commissioner LENNON. Did Tape get them in your presence?

Mr. MONROE. No, sir.

Mr. BUSIEK. Did you ever run down the man who had them?

Mr. MONROE. In Portland—out in the country town?

Mr. BUSIEK. Yes.

Mr. MONROE. No.

Mr. BUSIEK. Did you ask Tape to produce them there?

Mr. MONROE. I don't think I did.

Mr. BUSIEK. Did Commissioner de Bruler?

Mr. MONROE. I don't know.

Mr. BUSIEK. No prosecution was set on foot with regard to it?

Mr. MONROE. None whatever.

Mr. BUSIEK. Did Tape's description of this watchman cause him to fall under suspicion?

Mr. MONROE. I can't say that it did.

Mr. BUSIEK. Tape's say-so could not hurt anybody after that, is that the idea?

Mr. MONROE. No, sir.

Mr. BUSIEK. Have you any personal or social connection with Frank Tape?

Mr. MONROE. No, sir; I have ridden around in his automobile, around the boulevard, and ridden down town.

Mr. BUSIEK. Have you visited at his house?

Mr. MONROE. I have been to his house twice, I think, in my life.

Mr. BUSIEK. How long ago was that?

Mr. MONROE. Maybe two years or a year and a half the last time.

Mr. BUSIEK. That was the last time?

Chairman WALSH. Has he visited your house?

Mr. MONROE. He has called at the house on the way to the office.

Chairman WALSH. Did he ever visit your house with his wife?

Mr. MONROE. He has brought his wife to the house.

Chairman WALSH. Have you visited his house with your wife?

Mr. MONROE. Yes, sir; when he bought his new house, he invited us over to see the house, and we went there. I also went there a second time to meet his mother and sister.

Chairman WALSH. I want to ask you a few questions: Now, the Chinese look upon the purchase of favors in their own country from Government officials as a sort of everyday proposition, do they not?

Mr. MONROE. It is an incident of their everyday life, as I understand.

Chairman WALSH. It is an incident of their everyday life, and their conception of that is entirely different from ours?

Mr. MONROE. I believe it to be.

Chairman WALSH. That is, the standard of honor among the Chinese is that they purchase a Government favor and the favor is delivered?

Mr. MONROE. Yes, sir.

Chairman WALSH. And the Chinaman who is in a position to purchase it considers that he has been done quite an honor by the Government official, even though he pays for it?

Mr. MONROE. He does.

Chairman WALSH. And that is an understood thing among Chinamen and among those of you who deal with Chinamen?

Mr. MONROE. I believe it is.

Chairman WALSH. That is a fact, isn't it?

Mr. MONROE. I believe it to be true.

Chairman WALSH. And they have a Chinaman among them that they have some Chinese name for—I have heard it, mowchow, or something of that kind—that means the big man, the man with the big pull.

Mr. MONROE. I never heard it.

Chairman WALSH. Well, I have. I thought maybe you had. They have a man among them, at any rate, that is supposed to be the man with the big pull with the officials. That is right, isn't it?

Mr. MONROE. Well, as I said a moment ago, I haven't heard of it.

Chairman WALSH. You haven't heard that there was a sort of recognized go-between; that is, the man that approached the official, that transacted the business with him for the mass of the Chinamen—you say you don't know that that is a fact?

Mr. MONROE. I know that in case of these students coming to this country.

Chairman WALSH. No, I am trying to get—

Mr. MONROE. That they go to a store and there is a go-between at that store who does business between the students and the Government officials.

Chairman WALSH. I don't mean the Government officials here; I mean in China.

Mr. MONROE. I meant in China.

Chairman WALSH. In China?

Mr. MONROE. Yes, sir. Let me explain this, Mr. Walsh. The Chinese moral law is different from ours. A Chinaman thinks it is wrong to injure a man in his person, his family, but it is not wrong to tell a lie in a matter affecting our business. It is not wrong to pay a man for a personal service.

Chairman WALSH. No. For a personal service; for an official favor.

Mr. MONROE. An official favor.

Chairman WALSH. Which may be an official favor?

Mr. MONROE. Yes; which may be an official favor.

Chairman WALSH. Now the way that Tape could exploit Chinamen, the ways are various. For instance, he could interpose and make it difficult for them to get in, and misinterpret and have apparent contradictions, and then go to the man that represented them and get money to smooth things out, isn't that correct?

Mr. MONROE. That is correct. Mr. Tape occupied a most favorable position.

Chairman WALSH. Position for graft?

Mr. MONROE. For graft.

Chairman WALSH. And he could also keep track of men that were engaged in smuggling and get money from them to keep from exposing them?

Mr. MONROE. I believe that to be true.

Chairman WALSH. And he could keep track of the smuggled Chinamen and make their economic situation very difficult?

Mr. MONROE. Yes.

Chairman WALSH. Yes; they would have to pass him money, or he could get them work with people that he favored that would pay him, and they would work cheaper, or be exposed as being smuggled Chinamen?

Mr. MONROE. Let me interject.

Chairman WALSH. Yes.

Mr. MONROE. I think—

Chairman WALSH. That all could be done; that would be a way.

Mr. MONROE. That can be done.

Chairman WALSH. Yes.

Mr. MONROE. But I think most every interpreter can do that more or less.

Chairman WALSH. Yes.

Mr. MONROE. Tape is simply an unusual man among Chinese interpreters.

Chairman WALSH. Yes. And on account of this extra power he had and on account of the belief that you folks had that he was a detective, and on account of, as it has been testified here by Mr. de Bruler, that he was supposed to be a confidential man of Mr. Taylor's, or other things, he had unusual facilities for that, and what he needed was to have it strongly impressed upon the Chinamen that he was a great man.

Mr. MONROE. Let me interpose again.

Chairman WALSH. Well, is that correct?

Mr. MONROE. That is correct.

Chairman WALSH. I am trying to figure this out in my mind.

Mr. MONROE. I can help you a little. He came under circumstances that I have stated, with this great reputation. Every time anyone came from Washington, such as Frank Larned, or anyone from the Secretary's office, he always had his machine at their disposal and he would take them around the boulevards and show them the city, and take them to the Butler Café for dinner.

Chairman WALSH. That was very impressive to the Chinamen, too, wasn't it?

Mr. MONROE. That was very impressive to the Chinamen. It was the thought I was going to give you.

Chairman WALSH. Yes.

Mr. MONROE. On that, and then when Mr.—

Chairman WALSH. Well, I happened to have that, so go ahead.

Mr. MONROE. And then when Mr. Taylor came here he and Mr. Tape were inseparable, so that not only we in the office, but the Chinamen and everybody else who know anything about the service, felt, of course, that Mr. Tape drew a great deal of water.

Chairman WALSH. Now, then, what are your exact powers? You are the head of the department, so far as Chinese smuggling is concerned here?

Mr. MONROE. I will explain. Our office is organized with a commissioner and an assistant commissioner, who attend to all the executive and administrative matters. Below those two officers there is a man who attends to the general immigration, and myself, who attends to the immediate work of the Chinese immigration. I have no authority of any kind except that I supervise the direct handling of the cases each morning. I look after the mail, look after all the incoming or outgoing cases, apportion them to the other inspectors, handle all the appeal cases, and look after the public who come to the office for any purpose. I have no authority, so far as administration goes.

Chairman WALSH. Well, any time that—take your specific case. I don't want to be offensive about it, but I want to apply this. Any time these Chinamen saw you riding in the automobile with Tape, that strengthened the idea that Tape was a big man here with the Chinamen. You were a white man and an official and all that, didn't it?

Mr. MONROE. I think it gave him prestige in the office.

Chairman WALSH. In the office? It gave him prestige with the Chinamen that paid the money, didn't it?

Mr. MONROE. Well, that is another way of expressing it.

Chairman WALSH. Yes.

Mr. MONROE. It made them think that Tape was an influential, important man in our office.

Chairman WALSH. Yes; now, how many smuggled Chinamen have you caught here in the—how long have you been here?

Mr. MONROE. Ten years.

Chairman WALSH. In the last 10 years?

Mr. MONROE. I don't handle the smuggling part of the work at all.

Chairman WALSH. How many smuggled Chinamen were caught during the last 10 years here, could you approximate?

Mr. MONROE. I can give you the figures. These are Chinese who were either arrested coming in from Canada or in the city here. It does not include rejected Chinese applying for admission and does not include stowaways found on steamers. The last five years there were 41 arrests under the exclusion law, of which 27 were deported and 14 released. Under the general immigration law there were 15 arrests, 14 of whom were deported, and in 1 case the warrant was canceled.

Chairman WALSH. Now, then, is there any systematic way, any system by which you try to hunt out smuggled Chinamen in Seattle and vicinity?

Mr. MONROE. You mean Chinese unlawfully in the city?

Chairman WALSH. Unlawfully in the city.

Mr. MONROE. We made it a practice each year, when we have the time to spare, to visit the different laundries and places and check the Chinese therein.

Chairman WALSH. How many have you found during the last five years that were here illegally when you checked them up?

Mr. MONROE. I can't give you those figures apart from my total, but practically all these were found that way—I mean those taken before the commissioner.

Chairman WALSH. Then there were none found to be actually smuggled in? Those are all found afterwards?

Mr. MONROE. Those that were found to be smuggled in are what we generally secure department warrants for. I might explain our procedure. The original exclusion law provides that any Chinaman unlawfully in the country might be arrested and taken before the commissioner. And that was the practice until recent years. The department found a way of applying the immigration law to Chinese entering surreptitiously, the same as applies to other aliens. So, now we find a Chinaman coming, and we always issue a department warrant for surreptitious entry of an alien without inspection without regard to his nationality. The two procedures before the department are much simpler before a United States commissioner. For instance, in 15 arrests under the immigration law we got an order of deportation in 14 and 1 was canceled for some—the warrant was canceled in one instance for some cause. While before the commissioner, out of 41 we lost 14 on hearing.

Chairman WALSH. Can you divide these Chinamen that you caught during the five years actually being smuggled into the community from those that were

found upon inspection afterwards in these laundries and other places that you have testified to?

Mr. MONROE. Only approximately. I believe these 15 were probably caught either on the water or coming down the railroad track from Blaine or Sumas toward Seattle.

Chairman WALSH. Of the 15, then, none of those were found afterwards on an inspection working in laundries that had been smuggled in a month or a year before?

Mr. MONROE. We did not know, Mr. Walsh, how long they had been in if we found them afterwards.

Chairman WALSH. How many did you find afterwards? That is what I am trying to get at.

Mr. MONROE. Well, I take it that those who were arrested under the exclusion law, 41 must have been so found.

Chairman WALSH. But you have no accurate data upon that?

Mr. MONROE. No; I have not.

Chairman WALSH. When was Commissioner Caminetti in Seattle?

Mr. MONROE. He was here about November last year.

Chairman WALSH. About November of—

Mr. MONROE. 1913.

Chairman WALSH. You met him here?

Mr. MONROE. I did.

Chairman WALSH. Where did he stop here?

Mr. MONROE. He stayed at the Frye Hotel.

Chairman WALSH. The which?

Mr. MONROE. The Frye Hotel.

Chairman WALSH. Did he meet Tape when he was here?

Mr. MONROE. He certainly did.

Chairman WALSH. Who introduced him to Tape?

Mr. MONROE. I would have no idea.

Chairman WALSH. You did not?

Mr. MONROE. No.

Chairman WALSH. Was Tape at the hotel where he stopped?

Mr. MONROE. No; Tape lives out in the residence district.

Chairman WALSH. The story has been told some place that Tape acted as a sort of doorkeeper at the Frye Hotel of the apartment in which the commissioner was staying while here.

Mr. MONROE. Mr. Tape, through some one, I do not know whom, placed his automobile at the disposal of Commissioner Caminetti when he was here; and during all of the time he was here he took him back and forward to the hotel or to the club where he met the chamber of commerce committee and different places.

Chairman WALSH. In his automobile?

Mr. MONROE. In his automobile.

Chairman WALSH. Now, Mr. Caminetti was a new official, of course?

Mr. MONROE. Yes.

Chairman WALSH. And probably did not know Tape for all you know?

Mr. MONROE. I wouldn't know, although Mr. Tape comes from San Francisco and is well known down in that country.

Chairman WALSH. Was Mr. Taylor here at the time Commissioner Caminetti was here?

Mr. MONROE. Taylor left before Caminetti came in.

Chairman WALSH. And did any one notify Commissioner Caminetti, to your knowledge, as to these rumors and deep suspicion surrounding Tape as a grafter?

Mr. MONROE. I wouldn't know the source—

Chairman WALSH. Did you tell him?

Mr. MONROE. I had no conversation with Caminetti.

Chairman WALSH. You did not?

Mr. MONROE. No.

Chairman WALSH. Is the manager of the Frye Hotel related to Tape?

Mr. MONROE. I understand the former manager of the Frye Hotel—

Chairman WALSH. Nixon?

Mr. MONROE. Nixon.

Chairman WALSH. Was he manager at the time Caminetti was there?

Mr. MONROE. I think he was.

Chairman WALSH. What relation is he to Tape?

Mr. MONROE. Well, I have understood that Nixon married an adopted sister of Mrs. Tape's. Since we started this investigation of Mr. Tape, we have come to the conclusion that Nixon's wife is a full sister of Mrs. Tape.

Chairman WALSH. Of this present Mrs. Tape?

Mr. MONROE. Yes.

Chairman WALSH. And you heard Tape lived with a woman in Portland, named Pearl?

Mr. MONROE. I heard that since Bonham came here to make this investigation.

Chairman WALSH. You had not heard it before that time?

Mr. MONROE. No, sir.

Chairman WALSH. Did you know when Tape married this woman that he is living with now?

Mr. MONROE. No.

Chairman WALSH. When did you first call upon him?

Mr. MONROE. I first called upon them when they asked—invited us to the house to meet his mother and sister from San Francisco.

Chairman WALSH. I say the time, I am asking the time, not who was there.

Mr. MONROE. Oh.

Chairman WALSH. Yes; the time.

Mr. MONROE. That would be—that is possibly the fall of 1911. Or it might be some time in the first part of 1912.

Chairman WALSH. Was he married then?

Mr. MONROE. He was living with this woman.

Chairman WALSH. It is considered in this community—I am asking for information—is it considered a respectable thing for Chinese and whites to intermarry?

Mr. MONROE. Well, there are quite a number of such marriages.

Chairman WALSH. And are they received into respectable society?

Mr. MONROE. I don't think they are received into society generally.

Chairman WALSH. Generally?

Mr. MONROE. No.

Chairman WALSH. In some places it is considered like intermarrying with an Ethiopian, marrying a Chinese, that a white woman who consorts with a Chinaman, or lives with one, it is a sort of a notification that everything is not all right?

Mr. MONROE. I would like to make this suggestion.

Chairman WALSH. Yes.

Mr. MONROE. The people of this city as a whole—I mean the business men—are very, very friendly to the Chinese. Mr. Tape is American born and thoroughly Americanized and associates altogether with whites. And I know from what I have heard—I have not seen it—that Mrs. Tape and Mrs. Nixon are fast friends.

Chairman WALSH. They are sisters.

Mr. MONROE. And travel around a great deal together.

Chairman WALSH. Sisters?

Mr. MONROE. They are supposed to be sisters. But while I don't think a Chinaman is usually, even Mr. Tape, accepted socially with whites, yet he probably comes as near to it as any Chinaman can.

Chairman WALSH. Did he ever tell you when he was married or where he was married?

Mr. MONROE. The only thing I know about his marriage is this: I heard him say one day in the office that he had a wife in San Francisco from whom he was separated. Might I speak without the record for a moment?

Chairman WALSH. Yes.

(After conversation between Chairman Walsh and witness.)

Mr. MONROE. I am willing to tell you everything I know. Some time later, I think in the spring of 1911, he requested a leave of absence one day, saying that he wanted to meet—he wanted to secure housekeeping rooms, that his wife was coming from San Francisco; that his mother had insisted upon his living with her; and he was going to try it again here in Seattle. He professed great respect for his mother, and stated he did not like to live with his wife because she had inherited some money after their marriage and was inclined to lord it over him. So later on I found that he had secured rooms in the Calhoun Hotel, and was living there with his wife, as I presumed. I

knew nothing about that at that time, until some months later they moved into an apartment house on Capitol Hill, a respectable section of this city. While there he invited myself and Mrs. Monroe to meet his mother and a baby sister. We went there and met this mother and sister, and found the mother a remarkable woman. She is intelligent and accomplished——

Chairman WALSH. I do not care for you to go into her personal attributes.

Mr. MONROE. I was just going to show how this developed.

Chairman WALSH. Yes.

Mr. MONROE. The mother and sister used this present Mrs. Tape in a very cordial manner that evening. So I have been satisfied until this investigation started now that this present Mrs. Tape was the original wife in San Francisco. I, of course, now know she was the woman he picked up here in Seattle.

Chairman WALSH. Say, did Tape always seem to have plenty of money?

Mr. MONROE. He did not seem to have very much money the first year.

Chairman WALSH. Well, after that.

Mr. MONROE. The second year he bought a launch, a gasoline launch, and placed it on Lake Washington, and I heard him remark that it cost some five or six hundred dollars; that either his father or mother had sent him the money.

Chairman WALSH. I do not care for his explanation of where he got the money, but did he after that appear to have a good deal of money?

Mr. MONROE. Well, that was the thing that caused it to appear to me that he had money.

Chairman WALSH. What was his salary?

Mr. MONROE. Thirteen hundred and twenty dollars.

Chairman WALSH. Did he have any other source, any apparent source of income except his salary?

Mr. MONROE. He always held it out everywhere that his parents were rich; that he could get money from home any time he wanted it; and that his wife had an independent income.

Chairman WALSH. So that all there was was what he said about it?

Mr. MONROE. That is all.

Chairman WALSH. That is all. Was he engaged in any business that you know of?

Mr. MONROE. None.

Chairman WALSH. Did anybody—were you in the office with him a great deal?

Mr. MONROE. Well, we have four or five rooms. I have a private office. He is in the main office.

Chairman WALSH. Did you ever see any remittances that he received from his parents, or any checks coming from an estate, or anything of that sort?

Mr. MONROE. None at all.

Chairman WALSH. Did he wear diamonds?

Mr. MONROE. He wore one diamond.

Chairman WALSH. He wore a diamond and had a launch and after that got an automobile?

Mr. MONROE. He sold the launch and bought the automobile.

Chairman WALSH. You could tell that he was a man apparently spending \$5,000 to \$10,000 a year?

Mr. MONROE. He made no secret of the fact that he was spending all this money.

Chairman WALSH. Did he tell you also that he made money gambling?

Mr. MONROE. Yes; and in betting on elections and horse races. He would often come to the office and say he put up so much yesterday and took a 10 to 1 shot and cleaned up so many hundred dollars.

Chairman WALSH. Were you out riding with him on Decoration Day of this year?

Mr. MONROE. I was.

Chairman WALSH. Where did you go?

Mr. MONROE. We went to Union City.

Chairman WALSH. Did you celebrate there?

Mr. MONROE. No; went on a fishing trip.

Chairman WALSH. Oh, on a fishing trip. In his automobile?

Mr. MONROE. His automobile.

Chairman WALSH. Who all were present?

Mr. MONROE. Myself, Mrs. Monroe, Mr. Tape, Mrs. Tape, and the chauffeur.

Mr. MONROE. Yes; he always had a white chauffeur.

Chairman WALSH. What was his name?

Mr. MONROE. I don't remember.

Chairman WALSH. That was Decoration Day in 1914?

Mr. MONROE. Nineteen hundred and fourteen.

Chairman WALSH. Was there anything else that you wish to say?

Mr. MONROE. I wish to make an explanation covering this fishing trip this spring. It was made after—I went with him on that trip after conferring with Commissioner White. He was under investigation at that time, and I confess I went along to observe his conduct and to note how much money he spent. I made a report to Mr. White upon my return.

Chairman WALSH. Do you know how much money he spent on that fishing trip?

Mr. MONROE. On that trip?

Chairman WALSH. What did he spend?

Mr. MONROE. Well, we just figured generally, tried to estimate the expense of the trip. That was all.

Chairman WALSH. That is all. Thank you.

Mr. BUSIEK. Mr. C. E. Stevens.

Chairman WALSH. Mr. Stevens, you do solemnly swear that the testimony you are about to give in the hearing now before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. STEVENS. I do.

TESTIMONY OF MR. CLAUDE E. STEVENS.

Mr. BUSIEK. Please give your name in full.

Mr. STEVENS. Claude E. Stevens.

Mr. BUSIEK. What is your profession?

Mr. STEVENS. Attorney.

Mr. BUSIEK. How long have you practiced law, Mr. Stevens?

Mr. STEVENS. About five years.

Mr. BUSIEK. How long have you lived in Seattle?

Mr. STEVENS. About 10 years.

Mr. BUSIEK. Prior to living in Seattle where were you?

Mr. STEVENS. Boston, Mass.

Mr. BUSIEK. Where did you study law?

Mr. STEVENS. Boston University Law School.

Mr. BUSIEK. When did you graduate?

Mr. STEVENS. In 1904.

Mr. BUSIEK. And came out to Seattle at that time?

Mr. STEVENS. That summer.

Mr. BUSIEK. What business were you in after coming out here?

Mr. STEVENS. Telephone business.

Mr. BUSIEK. You worked for the Pacific Telephone Co.?

Mr. STEVENS. Independent Telephone Co.

Mr. BUSIEK. Independent Telephone Co.?

Mr. STEVENS. Yes.

Mr. BUSIEK. In what capacity?

Mr. STEVENS. Service manager.

Mr. BUSIEK. And when did you first become connected with Adelphia College?

Mr. STEVENS. In 1910.

Mr. BUSIEK. In what capacity?

Mr. STEVENS. As head of the commercial department.

Mr. BUSIEK. You taught commercial—

Mr. STEVENS. Commercial subjects.

Mr. BUSIEK. You taught commercial subjects?

Mr. STEVENS. And some other subjects also.

Mr. BUSIEK. Were you practicing law at that time?

Mr. STEVENS. I was not.

Mr. BUSIEK. And did you have any office down town?

Mr. STEVENS. I established an office in the fall of 1910, I think; I am not quite sure of just the date.

Mr. BUSIEK. How did you come to make a trip to China, Mr. Stevens?

Mr. STEVENS. With a view of having a number of Chinese students return to America, and some of them to enter Adelphia College.

Mr. BUSIEK. What put this idea into your mind?

Mr. STEVENS. A client; a Chinese client of mine came to the office one day and said that he had a relative that he would like to have come to America, but the State Department would not give them a certificate, and asked if I would assist him. I had not had any experience in Chinese matters, and needed some time to look the matter up. So I told him to come back again in a few days, which he did, and I told him that I did not think I could help him any until they arrived here. If he had any difficulties here there might be something I could do.

He came in in a few days, and he said there were several boys there who desired to come over, who had relatives here, but it was necessary for some American to assist them there, that they were not given the proper treatment by the authorities unless there was some American to assist. And he wanted to know if I could help them. I told him that I didn't think I could; I didn't think I could do anything. I didn't think that what I could do would be of any effect, and dismissed the subject. But he came in again and wanted to know if I would go over there.

Mr. BUSIEK. When was this that all this was going on?

Mr. STEVENS. This was about December, 1910, or January, 1911. I told him I would investigate.

Do you want all this?

Mr. BUSIEK. Who was this Chinese—perhaps we can get at it quicker.

Mr. STEVENS. That was Paul Lewis.

Mr. BUSIEK. Paul Lewis.

Mr. STEVENS. It would take me about five minutes to tell the whole story.

Chairman WALSH. Tell the whole story, then.

Mr. BUSIEK. All right.

Mr. STEVENS. I told him that I would look the matter up, and for him to come in later—to give me two or three weeks. So, in the meantime, I read up the law relative to the incoming of Chinese, and I talked with 8 or 10 of our leading attorneys of the city relative to the ethics of the practice, and talked with some of the immigration officials, and finally I interviewed some of the Congressmen. Everybody said that there was no—couldn't see any wrong for bona fide students coming here and our assisting them. I also interviewed several—two women who had brought students in before.

Mr. BUSIEK. Who were they?

Mr. STEVENS. Mrs. Greenlee and the other lady I don't remember.

Mr. BUSIEK. Miss Ober?

Mr. STEVENS. Yes; I think that is the name. Mrs. Greenlee, I remember especially. They all informed me that there was nothing, they did not see anything wrong with the practice, and finally I got in touch with the State Department, and asked their advice in the matter. The result was that the State Department finally gave me a letter to the American consuls in China, asking them to—informing them that I was coming there for the purpose of bringing back some students, and to assist me in any proper way that they could.

Mr. BUSIEK. Let me interrupt you. Had you told the State Department how many students you wanted to bring?

Mr. STEVENS. I don't think that I had. I had told one Congressman that I wanted to bring in 40 or 50.

Mr. BUSIEK. What Congressman?

Mr. STEVENS. That was Humphreys. And finally I concluded to go over. In the meantime a number of relatives had heard that this Chinese with whom I was identified was going over for that purpose, and they wrote letters from different cities all around the country, from different cities in the United States, to the effect that they had boys over there, nephews or cousins that they wanted to come over, and asked us to bring them over. When I went over it was generally believed there would be a crowd of about 60 that would want to come back. When I got over there I found they had about 150 that desired to come back. Shall I go on with the experience there?

Mr. BUSIEK. Well, I take it you took the students before the consul at Canton and made arrangements, had them examined, and had certificates issued, is that right?

Mr. STEVENS. That is correct. But there is a little evidence just preceding that, that I would like to introduce.

Mr. BUSIEK. All right.

Mr. STEVENS. When I arrived there, I told those that were interested in the matter that under no circumstances would I have anything to do with bringing in a boy that was intending to come here to enter any other pursuit than that of a student; that I wanted to know absolutely; that I wanted their promise that they would not attempt to bring anyone that was not a bona fide student. And with that in view, I had them assemble the students from time to time, looked them over myself, and talked to each one; and I had some assistance there. Then I had a talk with the American consul, Mr. Bergholz, relative to the matter. I told him that under no circumstances would I have anything to do with bringing in a boy that was not a bona fide student, and if he had any misgivings in the matter that they might not be, I would appreciate the fact if he would say so, and if there was any students that were brought before him that he did not think were bona fide students, that I would be very glad if he would instruct them if there was any doubt whatever.

Mr. BUSIEK. You did get 96 students to pass muster?

Mr. STEVENS. One hundred, just an even hundred.

Mr. BUSIEK. An even hundred?

Mr. STEVENS. Yes.

Mr. BUSIEK. How many did you take through Frisco?

Mr. STEVENS. Forty.

Mr. BUSIEK. How many through Seattle?

Mr. STEVENS. Fifty-six.

Mr. BUSIEK. What became of the other four?

Mr. STEVENS. The other four had not—never came over, to my knowledge.

Mr. BUSIEK. And what arrangement did you make for compensation to yourself? Did you get so much a head or so much for the whole crowd?

Mr. STEVENS. There wasn't a definite arrangement made relative to that. The only thing that was definitely agreed upon was that if the undertaking succeeded, they came through, they were to pay my expenses and pay me for what I would lose in my practice. And I had some legal work, quite considerable legal work at that time, which I had to hire done by other attorneys. They were to compensate me for my trouble, with the understanding it would not take us over ninety days to make the trip.

Mr. BUSIEK. Did you have to put up your own expenses?

Mr. STEVENS. I put up my own expenses at first. I had \$800 in money with me.

Chairman WALSH. Who was to compensate you?

Mr. STEVENS. Beg pardon.

Chairman WALSH. Who was to compensate you? Did you make this agreement that you have spoken of—was it with Paul Lewis?

Mr. STEVENS. My agreement with him with reference to a certain number of students—I overlooked that. There was another Chinese in the city came to me and asked me if I would bring over some of his friends, belonging to another family.

Mr. BUSIEK. Who was that?

Mr. STEVENS. Mark Ging.

Mr. BUSIEK. Mark Ging?

Mr. STEVENS. Mark Ging.

Mr. BUSIEK. Both Paul Lewis and Mark Ging were connected with the Adelphia Academy?

Mr. STEVENS. They had been attending the academy; yes.

Chairman WALSH. Well, Mr. Stevens, who was to determine what your losses would be from your practice?

Mr. STEVENS. That was left indefinite, no—

Chairman WALSH. Well, was it to be fixed up after you came back?

Mr. STEVENS. Yes.

Chairman WALSH. What fee did you receive for the whole job?

Mr. STEVENS. As a matter of fact my expenses were paid in dribblets from time to time and I never kept an account of it. I have never kept a cash account of my own business, I am frank to say, until a month ago I started in, and I never kept those items.

Chairman WALSH. Could you approximate how much compensation you received?

Mr. STEVENS. I can; yes. I received for my services I think between \$2,500 and \$3,000.

Chairman WALSH. And the expenses amounted to how much?

Mr. STEVENS. And the expense is very indefinite. I would rather not approximate it. The expenses were quite heavy.

Chairman WALSH. Did you receive any more than your actual expense on that account?

Mr. STEVENS. No; only—well, my wife was with me, and it was understood that her expenses would be paid, too. I wasn't willing to leave her here. I told them I would not go without her, and both of our expenses were paid.

Chairman WALSH. Any one else; any other person who went along?

Mr. STEVENS. No; only excepting the two mentioned.

Chairman WALSH. Was your payment contingent upon your success?

Mr. STEVENS. Largely. I was to be reimbursed to an extent if I—if we didn't succeed, but mostly depending on the success of it.

Chairman WALSH. Did you make any statement, now, to these clients, to these two men as to the amount that you lost from your practice while you were there?

Mr. STEVENS. Never.

Chairman WALSH. Or did you just fix a lump sum?

Mr. STEVENS. I never made a statement. I have never received anywhere near what I expected to receive for it, and never had occasion to make a statement. After the expenses were accumulated here and there I have asked them for some money, and they would give me some.

Chairman WALSH. Do you know Mr. Taylor, of the immigration office? What is his name?

Mr. BUSIEK. Richard Taylor.

Chairman WALSH. Richard Taylor.

Mr. STEVENS. I don't know him. The name is familiar. I don't know him.

Chairman WALSH. Were you acquainted with the commissioner here?

Mr. STEVENS. Mr. de Bruler?

Chairman WALSH. Yes.

Mr. STEVENS. I was not prior to that time. I knew who he was.

Chairman WALSH. Were you acquainted with Mr. John B. Sawyer, the inspector, or the deputy consul general that you met in China?

Mr. STEVENS. I never met him.

Chairman WALSH. Sir?

Mr. STEVENS. I never met him.

Chairman WALSH. Did you meet him in China?

Mr. STEVENS. No; he wasn't there at the time I was there.

Mr. BUSIEK. Now, you sort of stood sponsor for these boys, did you not?

Mr. STEVENS. You mean after arriving here?

Mr. BUSIEK. Yes; that is, you agreed with the immigration authorities that they were going to be under your charge at Adelphia College; that you would look after them; that you had collected them; and that you knew who they were and what their intentions were; and that you would notify the department in the event that any of them left and were not bona fide students? Didn't you make such an agreement with Mr. Monroe?

Mr. STEVENS. No.

Mr. BUSIEK. Did you not tell them that you were assured of the bona fides of these students?

Mr. STEVENS. That I was sure?

Mr. BUSIEK. Yes.

Mr. STEVENS. That I felt myself positive? Yes; I did that.

Mr. BUSIEK. And did not you tell them that you were going to look after them at Adelphia College?

Mr. STEVENS. You mean tell Mr. Monroe or Mr. Bergholz? I don't understand.

Mr. BUSIEK. Either one of them.

Mr. STEVENS. My understanding with the State Department there was that I would bring them over here and request that they all stay in Seattle for at least one year in order to become acquainted with the American manners and customs.

Mr. BUSIEK. Now, you were dean of the Chinese department?

Mr. STEVENS. Yes, sir.

Mr. BUSIEK. And shortly after your arrival the first batch of them left; that is true, is it not?

Mr. STEVENS. I beg your pardon.

Mr. BUSIEK. Shortly after—

Chairman WALSH. A little louder, Mr. Busiek.

Mr. BUSIEK. Shortly after your arrival in Seattle the first batch of those students escaped at night, did they not, and left the school?

Mr. STEVENS. No.

Mr. BUSIEK. Within a few weeks?

Mr. STEVENS. No.

Mr. BUSIEK. How long did they attend before any of them left?

Mr. STEVENS. Why, I think about three months.

Mr. BUSIEK. Did you make any investigation as to where they went?

Mr. STEVENS. Yes, sir.

Mr. BUSIEK. What did you find out?

Mr. STEVENS. We weren't able to find out anything. There were possibly half a dozen out of the first 30, or something like that, that left; that we found their whereabouts. The others we could not find.

Mr. BUSIEK. What was the nature of the investigation that you made?

Mr. STEVENS. Inquiries through Chinese where they might go, where they might have gone.

Mr. BUSIEK. Now, they were all consigned to relatives here, or you got them, as you say, on behalf of relatives here in Seattle?

Mr. STEVENS. Not all of them; no.

Mr. BUSIEK. Well, how did you get the rest? What prompted you to get others when you weren't asked?

Mr. STEVENS. Relatives in China.

Mr. BUSIEK. And how did you happen to get in touch with those relatives in China?

Mr. STEVENS. I didn't get in touch with them, personally.

Mr. BUSIEK. Who did?

Mr. STEVENS. The Chinese, Paul Lewis and Mark Ging.

Mr. BUSIEK. And they brought these to you and said, "Here are some more boys that want to go with you"; is that the idea?

Mr. STEVENS. That is the idea.

Mr. BUSIEK. And you had no idea of getting those until you got over in China?

Mr. STEVENS. I had no idea of getting them; I didn't have the names of any of those who were coming prior to my going to China.

Mr. BUSIEK. Well, did you—

Chairman WALSH. One minute. How many did you think when you started over that you were going to bring back?

Mr. STEVENS. Sixty is the limit.

Mr. BUSIEK. Didn't you have an agreement with Prof. Schmidt and Mr. Ericsson that you were to bring over 10 or 12?

Mr. STEVENS. No.

Mr. BUSIEK. Didn't they have a meeting at which you were present, and took down the proceedings in minutes; wasn't it then decided that you should bring 10 or 12 students?

Mr. STEVENS. No.

Mr. BUSIEK. Isn't it a fact that when you came back with this great number of students they held a special meeting and that everyone present expressed surprise at the fact that you had brought so many, and there was some question as to whether or not they would accept those that you brought, and that it was then finally decided to create a Chinese department to take care of those students? Isn't that a fact?

Mr. STEVENS. Practically correct.

Mr. BUSIEK. Do you say you had no understanding that only 10 or 12 were to be brought over?

Mr. STEVENS. No.

Mr. BUSIEK. Did you tell Dr. Schmidt that you were going to bring over 60, or intended to bring over 60?

Mr. STEVENS. I don't remember telling Dr. Schmidt the number that I intended to bring in.

Mr. BUSIEK. You had no understanding at all with him about the number?

Mr. STEVENS. The fact that it was not intended that all the students I should bring should attend Adelphia College. And they were all to be given the option of whether or not they were to attend Adelphia or some other school in Seattle. I was insisting that they all attend some school in Seattle for at least one year, and then if they had relatives in different parts of the country to whom they wanted to go, we could probably arrange for their going to them.

Mr. BUSIEK. Now, when these students left, did you go to their relatives, who had prevailed upon you to bring them over, and charge them with bad faith?

Mr. STEVENS. I went to the Chinese with whom I had dealt, and asked them to give us the address, and I went to several others and got the address of relatives of some of the boys with a view to finding out where they had gone.

Mr. BUSIEK. And you never found one?

Mr. STEVENS. I never—we found where some were, yes; but we didn't get any back.

Mr. BUSIEK. Did you ever take this information that you had before the district attorney and make any complaint?

Mr. STEVENS. No; I didn't think that was necessary.

Mr. BUSIEK. Didn't you feel that you had been imposed upon by these Chinese who requested you to bring boys over here, and then these boys escaped; didn't you feel you had been imposed upon?

Mr. STEVENS. I felt that sincerely; yes, sir.

Mr. BUSIEK. Well, what did you do about it?

Mr. STEVENS. I tried to get in touch with the boys, as I have said before.

Mr. BUSIEK. But you didn't get in touch with them.

Mr. STEVENS. I didn't succeed.

Mr. BUSIEK. And you took no action against those who had imposed upon you and who had been guilty of this fraud against the immigration law?

Mr. STEVENS. The immigration office had the names, and were looking after that, and I supposed that was sufficient.

Mr. BUSIEK. How many interviews did you have with the immigration authorities?

Mr. STEVENS. I can't say how many I did have. I should say a half dozen, perhaps.

Mr. BUSIEK. And Mark Gling or this Paul Lewis, how much did they get out of that?

Mr. STEVENS. I haven't any idea.

Mr. BUSIEK. They showed sudden prosperity after they came back here, didn't they?

Mr. STEVENS. No; they did not.

Mr. BUSIEK. Did they ever make any statement to you of having received any money out of this?

Mr. STEVENS. No.

Mr. BUSIEK. Mr. Stevens, what independent means did you have before you went over to China? Did you have more than the \$800 which you took over there?

Mr. STEVENS. You mean in money?

Mr. BUSIEK. Yes, or property?

Mr. STEVENS. Yes. Yes; I had property here.

Mr. BUSIEK. What did that consist of, real estate?

Mr. STEVENS. Real estate mostly, and I had quite a few owing me—a considerable amount owing me from clients.

Mr. BUSIEK. I thought you had no practice prior to that time.

Mr. STEVENS. I beg your pardon.

Mr. BUSIEK. Didn't you just tell us that you hadn't established any office until 1910 and didn't practice until that time?

Mr. STEVENS. I had been practicing about a year, I think.

Mr. BUSIEK. When did you buy your farm, Mr. Stevens?

Mr. STEVENS. In 1912.

Mr. BUSIEK. And how much did you pay on that at that time?

Mr. STEVENS. I paid \$2,000.

Mr. BUSIEK. I believe that is all.

Commissioner LENNON. Are there any questions?

That is all, Mr. Stevens.

Mr. BUSIEK. Thank you.

TESTIMONY OF MR. FRED LYSONS.

Mr. BUSIEK. There is the stand, Mr. Lysons. We will wait for Mr. Walsh.

Chairman WALSH. Be sworn. You do solemnly swear that the testimony you are about to give in the hearing now before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. LYSONS. I do.

Mr. BUSIEK. Mr. Lysons, I gave you a copy of a proposed bill prepared by the Chinese Chamber of Commerce, or the attorneys for the Chinese Chamber of Commerce in San Francisco, and providing—which bill provides for the registration of Chinese under certain conditions. And I asked you to examine it and submit it to your clients, among whom is the Chinese consul, and to talk it over with them, and to appear before this commission and give your views concerning this bill. Have you looked over this bill and examined it?

Mr. LYSONS. I have; yes, sir.

Mr. BUSIEK. Now, just enter into a discussion of that, Mr. Lysons, and tell the commission what you think of the proposed law.

Mr. LYSONS. I think the enactment of such a law by this country would be the height of folly. And as a matter of statesmanship I think it would be the most short-sighted step this country could take with reference to immigration matters generally.

We have with China a safeguard that we have as to no other country. We have the exclusion law, absolutely excluding or prohibiting Chinese immigration, except as to certain specified and limited classes. That law probably is not absolutely prohibitive, as no prohibitive law on any subject is, but it seems to me that the law is entirely effective for the purpose of keeping out of this country undesirable Chinese.

The greatest objection, probably, to such a law is the fact that this country is looking—or, at least, it should look—to China for the extension of our commercial business and interests. China offers, in my judgment, the greatest and most promising market that is open to the world to-day.

Now, in face of the exclusion law that we have with China, which we have with no other country, to add to that—to those people the additional humiliation of requiring them to register, to tag themselves and mark themselves as a condition of the few—comparatively few that are here remaining in this country, would be, in my judgment, as I have said, the height of folly. And I think that if this country enacts any such a law we might just as well bid good-by to any prospect of extending our trade and commercial relations with China.

Mr. BUSIEK. Do you know of any Chinese taking this proposed law up with their Government in China?

Mr. LYSONS. I don't know that they have done that. I know the feeling of the Chinese here with reference to it, it is somewhat a matter of indifference with them. The Chinese population of this country is comparatively small; it is constantly decreasing. In the course of a few years, under our present law, there will be practically no Chinese here. Those who are here feel that if this country is going to maintain exclusion laws and prevent others of their race from coming here, that they had just as well return to China and carry on their business and commercial relations with other countries, and the matter of this law or any law of this sort is a matter largely of indifference with them.

Among my clients here I have talked with a number of Chinese and endeavored to get them to come before the commission and express their views upon it, and that is the way they have expressed themselves with me. I finally did get one Chinese by the name of Woo Gen, who, I think, has been subpoenaed here as a witness, is one of the pioneer Chinese merchants of this city, and he agreed to express his views on it.

The Chinese consul and his secretary refused to express their views, partly, of course, because they are in the diplomatic service and didn't regard it as proper to make any suggestions to this country as to its policy and enactment of laws.

Mr. BUSIEK. The proponents of the bill claim this for it: They say that the Chinese who are now in this country—many of them would have difficulty in establishing their status and right to be here—are constantly menaced and harassed even though they have a right to be here, and it is hard to prove it, and that they are open to extortion by dishonest and corrupt officials and by blackmailers of their own race; that if this bill was passed no Chinaman who is now in this country lawfully need be uneasy. They don't think it a harsh requirement that he register so as to assure himself security for all time, and it would be a great protection to the Chinese who are lawfully here and would enable the Government to check up closely on such Chinese as might come here after the period of registration.

Now, have the Chinese considered those advantages?

Mr. LYSONS. The conditions you enumerate may be true to some extent, but the Chinese here, I believe, take—and certainly those who are of my acquaintance take—a broader view of the subject than the individual rights of the comparatively few Chinese who are here. Such a law may protect some Chinese who are here lawfully, but with difficulty in establishing that lawful right. Certainly it seems to me it would protect the Chinese who are here unlawfully. But the advantage that it would be to the few individual Chinese who are here would be no comparison to the resulting ill effects it would have on the trade and commerce of this country with China by reason of making the Chinese—individualizing the Chinese nation in regard to our treatment of them and making marked men of the Chinese as distinguished from the immigrants from any other country.

Mr. BUSIEK. Then, the only objection that the Chinese have to this proposed bill is that it provides a different manner of treatment for them than is provided for any other class of people in this country, so that there is just an added regulation to those that already exist?

Mr. LYSONS. Well, that would overshadow other objections that they have to it, anyway.

Mr. BUSIEK. What other objections have they, Mr. Lyons?

Chairman WALSH. I think Mr. Lyons has stated the broad general objections to it.

Mr. LYSONS. Yes, sir; I undertook to.

Chairman WALSH. That it would be a violation of true statesmanship to do it on account of the general proposition involved in dealing with China commercially and otherwise?

Mr. LYSONS. Yes, sir.

Chairman WALSH. Those are the large things?

Mr. LYSONS. Yes, sir.

Chairman WALSH. And individually, it is explained by the application of the registration to the local Chinese, it would go back and exert its influence in their own country and exert its influence here. Is that about the general idea?

Mr. LYSONS. Yes, sir; that is about it.

Commissioner O'CONNELL. On the other hand, what effect would it have on the large number of Chinese who are in this country illegally, and who are being chased from pillar to post, if those men were given cards showing that their residence in the United States was official and that they had a right to be here?

Mr. LYSONS. Of course, as to those Chinese it would make them immune from trouble. I am of the opinion that the Chinese whom that would benefit and who need it, are comparatively few.

Commissioner O'CONNELL. Have you any general idea or estimate as to what Chinamen there are in this country illegally?

Mr. LYSONS. It would be hard for me to estimate that. Any statement I would make would be only an estimate.

Commissioner O'CONNELL. Oh, yes.

Mr. LYSONS. I believe that 10 per cent of the Chinese of the total Chinese population of this country would cover the Chinese who are here unlawfully.

Commissioner O'CONNELL. You say you think the population of the Chinese in the United States is decreasing?

Mr. LYSONS. Yes, sir; I do.

Commissioner O'CONNELL. What is your estimate of the number of Chinese in the United States?

Mr. LYSONS. The only basis—

Commissioner O'CONNELL. First, how many Chinese do you believe there are in the State of Washington, coming nearer home?

Mr. LYSONS. The only considerable number of Chinese in any one community is here in Seattle, and the total Chinese population of this city, I believe, does not exceed 1,000.

Commissioner O'CONNELL. Would that be doubled in the State?

Mr. LYSONS. Beg pardon?

Commissioner O'CONNELL. Would that be doubled in the State?

Mr. LYSONS. I believe that would be a full estimate of the number in the State, double that. I would state from my knowledge of the conditions here and in Portland and throughout the Northwest my only—my basis, of course, for estimating the Chinese population is the United States census figures. That shows, as I recollect it, that in the last 20 years the Chinese population has decreased about 30 per cent. I know that within that time the population

here in this city and in Portland, Oreg., has decreased fully that much; and in these communities in the Northwest with which I am familiar the decrease has been fully that great.

Commissioner O'CONNELL. Now, in your criticism on the tentative idea we have on this matter, on which you have offered criticism, have you anything in a constructive way to offer this commission?

Chairman WALSH. Any change in the law, any recommendation you think should be made?

Mr. LYSONS. I don't believe, gentlemen, that I would recommend any change in the law. I believe that the exclusion law as to Chinese laborers under present conditions, anyway is a wholesome law. I believe the time is coming when this country will realize that the Chinese will be entitled to the same treatment and equal privilege of admission here as other foreigners, certainly as other orientals. The Chinese as a people and as a country are advancing and progressing quite rapidly. When I speak of China, by the way, and the relations between China and this country, I refer to southern China.

Now, we have never had in the past and haven't now any extensive immigration or commercial relations with northern China. Of all the Chinese who have come here a very few thousand would cover those who have come from as far north even as Shanghai. Practically the whole Chinese population of this country has come from the southern Provinces, Qwong Tong Province chiefly, of which Canton is the capital city. That is the section of China which is advancing and progressing so rapidly, and so much more rapidly than other sections of China. That advancement and progress in my opinion being chiefly due to the influence of Chinese who have been educated and modernized in the United States, Australia, Canada, and other foreign countries, and have returned to China carrying western civilization back with them.

Commissioner LENNON. Do you believe the present law is reasonably effective in preventing smuggling?

Mr. LYSONS. I believe it is as effective as any law can be, and in comparison with prohibitive laws in other directions is entirely effective.

Commissioner O'CONNELL. Well, you understand this situation that has arisen out of bringing students here in the last few years?

Mr. LYSONS. Yes; I understood something of it.

Commissioner O'CONNELL. Where more than 100 were brought in and in a few weeks they were gone, and no record of them at all—left the college?

Mr. LYSONS. I heard of the occurrence—just one important occurrence of that kind.

Commissioner O'CONNELL. There seems to be a lack of efficiency in carrying out that portion of the law.

Mr. LYSONS. You must remember that that was probably the first instance, and I believe the last and only instance of that kind, certainly the only instance of such magnitude.

Commissioner O'CONNELL. We have three or four instances before us.

Mr. LYSONS. I didn't know of any instance of anything like that magnitude. That student question is, of course, quite an important question in the administration of the Chinese exclusion law. I know something about it because I took an interest in a project of that sort on behalf of the Chinese merchants of this city and some merchants of Portland, Oreg. For some years there has been, oh, an insatiable desire among the Chinese to educate their children and relatives abroad especially in the United States. That desire became widespread and well known, and I believe that the public and foreign knowledge of that desire was the principal thing that resulted two or three or four years ago, whenever it was, in some people connected with the Adelphia College of this city sending to China, or going to China, and bringing in a crowd of Chinese ostensibly as students. I don't know enough about that project to characterize it, but I think likely an advantage was taken of that situation and the desire of the Chinese to send their younger children here for educational purposes. At any rate I have understood—it is largely hearsay with me—I have understood a crowd of about 100 was brought over here, consisting to a large extent of horny fisted laborers, who entered school—entered this school—and in the course of a few months none of them were to be found here. As a result of the agitation that that incident stirred up the Government—the Chinese Government of the Province of Qwong Tong—has joined with the American officials over there in safeguarding the admission of Chinese to this country as students. The experience of the Chinese mer-

chants of this city, with which I had personal knowledge by reason of my connection with their project to bring some students over here, I think is typical and will illustrate to this commission the means that are being taken and the safeguards that are being thrown around the admission of Chinese to this country as students.

I made a trip to China last year for these Chinese merchant clients of ours, primarily for the purpose of investigating the general relations, commercial and immigrant, between this country and China, and with the view also of assisting in carrying out their desire to bring to this country some of their relatives, young boys whom they desired to educate here. I found that, whether as a result of this Adelphia College incident or not, that at any rate since that time a Chinese applicant for a certificate which would enable him to go out of that country and be admitted to this country as a student, has to submit to an examination by the Chinese officials. That examination is under the charge of the Chinese commissioner of education, and the Chinese commissioner of foreign affairs. Those two officials whom I met over there, Chung Wing Quong, being commissioner of education for Kwong Tong Province, and Pan H. Loo, being commissioner of foreign affairs, I found to be according to my estimate of them, very high-class men.

Pan H. Loo, being a graduate of Harvard University, and Chung Wing Quong being a graduate of some foreign school, I have forgotten now which one.

Chairman WALSH. European?

Mr. LYSONS. I believe so. He was connected, by the way, with the college in Canton, the Canton Christian College, a nondenominational institution, which I think is doing quite a good work there.

These applicants must pass the examination of this educational commissioner and the commissioner of foreign affairs. This commissioner of foreign affair exacts a bond from the parents or relatives or other sponsor of these applicants for these students' certificates, guaranteeing to the Chinese Government the good faith of their application. Such of these applicants as are passed by these two Chinese bureaus then are required to pass the muster of the vice consul, the American vice consul at Canton, an official who I understand has been put there comparatively recently for the purpose of passing on immigrants' applications.

Accompanying me on this trip was one of the Chinese merchants of this city. He undertook among his relatives and friends there who desired to send their boys here for educational purposes, to secure their admission here as students. I was in China two months or more, and while I gave no attention to the details of arranging for the admission of these students while I was there, this Chinese representative of these merchants had not succeeded in getting a single applicant past those three examining officials. It is my opinion from my experience and personal knowledge of the situation and from what I have learned and heard from other sources of information, that the present law and regulations give an entirely effective method of preventing abuse of student privilege under the exclusion law.

Chairman WALSH. Mr. Lysons, have you any knowledge directly or through any source that you think is reasonably authentic to the effect that there is smuggling of Chinese in this district?

Mr. LYSONS. I have no knowledge even through hearsay of anything approaching an organized smuggling of Chinese. Occasionally I hear of the arrest of some Chinese who has been smuggled in. There is occasionally the arrest of some one, Chinese or American, charged with smuggling in Chinese, but it is my opinion that those are simply individual instances.

Chairman WALSH. Have you any knowledge, either direct or hearsay, of any improper practice on the part of any official of the Government or anyone connected with the Immigration Department with reference to this subject of the smuggling in of Chinese?

Mr. LYSONS. I don't know as I understand exactly what you are getting at in your question.

Chairman WALSH. Do you know of any employee of the Government here who has accepted money for the purpose of allowing Chinese to come in, or close their eyes on violations of the law with reference to that subject, or anything of that sort; that is what I mean.

Mr. LYSONS. Well, for a long time past I have had reports brought to me of the acceptance of money and grafting by the interpreter here at the local

station, Frank Tape. I don't think I have heard reports of grafting except through that source.

Chairman WALSH. Do you know of any person connected with the Government, who has to do with the exclusion law, whose reputation, general reputation for honesty is bad—general reputation in the community; that is, among your Chinese clients and the community generally, outside of this one individual, I take it, that you have heard that his reputation is bad?

Mr. LYSONS. No, sir; outside of this one individual I don't believe there is.

Chairman WALSH. Do you know of any person in the Government service, any official, which has to do with the exclusion act, whose general reputation in the community for morality is bad?

Mr. LYSONS. Aside from this man I have mentioned I do not; no, sir.

Chairman WALSH. Is there any suggestion you desire to volunteer to the commission, Mr. Lysons, with reference to this subject, of any sort?

Mr. LYSONS. I might say this, that while it is hearsay and has come to me from clients, through the relation of attorney and client, the connection of Tape with the service as interpreter has been a matter of criticism among the Chinese here for some time past.

Chairman WALSH. That is all.

Mr. LYSONS. Another source of graft of which my clients complain, and of which there is a general knowledge, I think, in the immigration service here, which likewise exists, of which I know only through hearsay, that is the medical examination service at Hongkong.

Chairman WALSH. Now, that wouldn't touch the matter of smuggling Chinese, would it—or would it? If it does not, of course, we don't care to hear it.

Mr. LYSONS. I don't know that it would.

Chairman WALSH. You have read our law and we are limited to this one subject.

Mr. LYSONS. Yes, sir.

Chairman WALSH. You don't think that would affect the smuggling of Chinese?

Mr. LYSONS. No, sir; it is briefly this: These Chinese applicants for admission, whether applications for admission in the first instance or returning domicile Chinese, complain that they are grafted there by those medical examiners, required to take treatment, and I believe it is true—and this may affect the immigration matter here within the scope of this law—I believe it is true that applicants for admission or readmission are frequently passed by this examining board over at Hongkong by these examining physicians as being free from disease—passed after treatment by these physicians for which they receive a consideration when in fact they are not cured.

Commissioner LENNON. Are these diseases venereal diseases or general?

Mr. LYSONS. No, sir; the only diseases, I think, that give any trouble or that they pay particular attention to are trachoma and hookworm, the ill effects of those, in my opinion, being magnified greatly.

Commissioner LENNON. Are you the attorney that represents the Chinese in this district in most of their court cases, or are you just the attorney for some individual Chinese?

Mr. LYSONS. I am not attorney for any association of Chinese here, I am attorney for individuals.

Chairman WALSH. I guess that is all. That is all. I thank you. Call your next.

Mr. BUSIEK. Woo Gen.

TESTIMONY OF MR. WOO GEN.

Chairman WALSH. Do you solemnly swear the testimony which you are about to give in the hearing before this commission, being the investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. WOO GEN. Yes, sir.

Mr. BUSIEK. Mr. Gen, please state your full name.

Mr. WOO GEN. Woo Gen.

Mr. BUSIEK. What is your business?

Mr. WOO GEN. Chinese wholesale merchant.

Mr. BUSIEK. You are interested in what business?

Mr. WOO GEN. What?

Mr. BUSIEK. What store are you interested in?

Mr. WOO GEN. Wa Chung Co.

Mr. BUSIEK. This commission is sent from Washington to make an investigation in matters of Chinese smuggling and the unlawful methods adopted, if any, by Government officials, and we are sitting here in executive session—this commission is—and no one is admitted—this is a secret session, and the commission wants to get from you what you know about the unlawful practices that have prevailed here in Seattle.

Now, are you acquainted with Frank Tape? Have you had any business dealings with him?

Mr. WOO GEN. Well, during the last year, about September, my partner had a son, that is, a minor son, come through. And he come to me, he says, "His father told me to come and ask you for money, for some money. He promised to give me some money."

Mr. BUSIEK. That is, Tape came to you?

Mr. WOO GEN. Yes, sir. I says, "How much?" He says, "\$200." "Well," I says, "Great God, what is the matter with you?" I says, "You might as well rob the man." I says, "He is a regular merchant, been in the store ever since, they can't prohibit him because he is a merchant, and that is his really son—have to give money to?" I says to him, I says, "I don't think that is right, you to ask money for that son, that boy admitted." "Yah," he says, "His testimony and his father's testimony, it is not corresponding, and I have that fixed, and it costs money to have that fixed, so as to make it correspond the father's and the boy's." And then I phone up to his father. I says, "Did you promise to give him money?" He says, "Yes, I did." And I says, "Shall I give it to him?" He says, "Yes; better give it to him." And after awhile then, Mr. Monroe come up to see me; he says, "Where is that boy?" I says, "He is here in my store." He says, "Oh, well, him and his father's testimony all mixed up, but anyhow I know the old man, he is a real merchant, and the boy looks like him. I have everything what I believe that is his own boy. No doubt that is his own boy." That is why I know Tape is taking that money himself.

Chairman WALSH. You didn't give the money to Tape then?

Mr. WOO GEN. I did give him the money.

Chairman WALSH. You did give him the \$200?

Mr. WOO GEN. Yes.

Chairman WALSH. When did you give him this \$200 with reference to the time you had this conversation with Mr. Monroe?

Mr. WOO GEN. Well, I think some time in the—I believe it was in the same day Tape came there first, and Mr. Monroe came in the evening.

Commissioner O'CONNELL. You gave the money to Tape first?

Mr. WOO GEN. Yes.

Commissioner O'CONNELL. Then Mr. Monroe came and told you the boy was all right?

Mr. WOO GEN. Yes, sir.

Chairman WALSH. Now, did you give it to him in currency?

Mr. WOO GEN. I gave it to him either in currency or gold, that is.

Chairman WALSH. Yes.

Mr. WOO GEN. The both kinds, I have forgotten, it is a long time.

Chairman WALSH. Where did you get the money; did you have it in your store, or did you have to draw it from the bank?

Mr. WOO GEN. Well, I had it in my store. His father had some money deposited there in my place.

Chairman WALSH. When was that?

Mr. WOO GEN. I think it was sometime in September last year.

Chairman WALSH. Last year?

Mr. WOO GEN. Yes, sir.

Chairman WALSH. That is the only circumstance of that kind you know of?

Mr. WOO GEN. Yes, sir.

Chairman WALSH. That will be all, then.

Mr. BUSIEK. It is common talk in Washington, isn't it, that Tape does that all the time?

Mr. WOO GEN. Well, that is the way—

Mr. BUSIEK. I want to ask you one more question: Did Tape ever come to you and speak about when Inspector Bonham got onto the job?

Mr. WOO GEN. He didn't tell me about Bonham, but he told me about Taylor. He says, "Taylor will come around and inspect this matter. I wish you would

kind of help me out." And I didn't answer him, because I got mad on him on that matter.

Chairman WALSH. Did you get his place of business, where his place of business is?

Mr. BUSIEK. 719 King Street is your address?

Mr. Woo GEN. Yes, sir.

Chairman WALSH. And he is a merchant, is he?

Mr. BUSIEK. Yes.

Commissioner LENNON. Have the Chinese any societies in this city?

Mr. Woo GEN. Yes; we have.

Commissioner LENNON. Does Tape belong to any of those societies, so far as you know?

Mr. Woo GEN. No, sir.

Commissioner LENNON. You don't think he does?

Mr. Woo GEN. I don't believe he belongs to either one. He don't recognize himself as a Chinaman.

Chairman WALSH. Pretends to be an American?

Mr. Woo GEN. Yes, sir.

Commissioner O'CONNELL. You think Mr. Tape is pretty well off financially?

Mr. Woo GEN. Well, I heard about his father is pretty well off.

Commissioner O'CONNELL. Well, about himself.

Mr. Woo GEN. About himself I don't know about his finances.

Commissioner O'CONNELL. Do you know of any other Chinamen that said they gave him money?

Mr. Woo GEN. Well, I don't know; that is the only thing.

Commissioner O'CONNELL. That is the only thing you know of?

Mr. Woo GEN. That I know of.

Chairman WALSH. That is all; thank you, Mr. Woo Gen.

Mr. BUSIEK. Thank you.

Chairman WALSH. The commission will now stand adjourned until 2 o'clock.

(Whereupon, at 12.35 o'clock p. m. on this Tuesday, August 18, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

The commission met pursuant to adjournment. Present as before.

Thereupon the following proceedings were had:

Mr. BUSIEK. Just resume the stand, Mr. Lysons.

TESTIMONY OF MR. FRED LYSONS—Recalled.

Mr. LYSONS. There are some conditions which I found in China which have a very material bearing on our treatment of the subject of Chinese immigration and exclusion that I think every department of our Government should know about. Now, we have always heard of China as a country of the most congested areal conditions, that there is not land enough for the people to squat down upon. I found over there acres, acres and miles of fertile, uncultivated land given over to graves of deceased ancestors. Ancestor worship is a great institution in China, and to the extent to which they carry it, in my judgment, it is the curse of China. I was taken on an ancestor worship pilgrimage by an old Seattle client, a friend of mine, and permitted to photograph their ceremony. [Witness hands photographs to Chairman Walsh.] I would like to introduce these pictures in the record, if you care for them.

Chairman WALSH. All right, Mr. Lysons.

Mr. LYSONS. Those pictures are interesting in an inquiry of this sort probably, as showing the extent of that land that is given over for that purpose.

Chairman WALSH. What is this place they seem to be worshipping in?

Mr. LYSONS. That is a grave.

Chairman WALSH. Just one grave?

Mr. LYSONS. That old gentleman's grandfather. That grave is constructed of cement at a great expense. Some distance over you will see—maybe 50 yards, you will see another grave. Now, there is all that space taken up for single graves.

(The photographs referred to were submitted, but are not printed.)

The only way that China will get away from that is through the introduction of western education and civilization. As an accompaniment of that ancestry worship proposition, of course, is the necessity for descendants to worship those

graves, and that accounts for the overpopulation of the country. The introduction of western education and western civilization, in my judgment, will overcome that evil to a great extent; at least will reclaim practically all of that land that is now given over for that purpose, and there will be, for generations to come, plenty of room in China for all of their inhabitants, speaking still, of course, of southern China, the part that concerns us.

The advance of progress in China in recent years has been very great, particularly in the matter of wages. That is another matter that should be taken into consideration in our policy with regard to Chinese immigration.

It has not been many years since wages in China averaged probably 3 to 5 cents a day. This old man shown in those pictures is a man who has built a railroad over there, Chin Gee Hee, from Seattle. He went over there and built a railroad in his own old home district. He told me that the commonest sort of labor on his railroad gets 30 cents a day, and the ordinary railroad work averages probably upward of 50 cents a day.

Yee Gee, a former resident of this city, who was some years ago interpreter in our Government customhouse and who has gone over there and has now become a leading building contractor at Hongkong, he built the post office there, the Government post office, and the municipal waterworks, and other public improvements. He told me he pays his laborers upward of 50 cents a day, and that is for unskilled laborers. His skilled laborers get from \$1 to \$2 a day. Chinese of foreign education, who can talk English or other foreign language—English chiefly in the concerns in Hongkong, get from \$300 to \$400 a month. It has been simply astonishing the advancement in industrial conditions in China in the last few years. A number of Chinese acquaintances of mine corroborate those statements.

So that there is not the demand now, it is not the desire among the Chinese to come to the United States or go to other foreign countries that there was before these improved labor and industrial conditions over there, and the desire to go abroad now is actuated chiefly by the fact that the work over there is menial and degrading. They would not have to work so hard here. That is the matter that is concerning them now.

One day I dropped into a manufacturing place where they were sawing up jade stones, taking an old-fashioned bamboo saw, a saw with a bamboo frame, and working very hard at it, and one of them asked the interpreter with me if I was an American, and he said yes. He then wanted him to ask me if the Americans could not get up some sort of improved saw for that sort of work. Everywhere I saw the cry for improved conditions in labor and industry and methods and machines.

By the way, I have recalled to mind an instance of alleged graft in this office, but whether it was graft or not, it will have a bearing on the general subject of the administration of our laws. A couple of years or so ago a young man of this city, a young Chinese named Chin Sue Yen, about 30 years of age, went to China to get married. He came back a couple of years ago with his young wife. At the immigration station here he was admitted as a native born, as he had been a number of times before. His wife was rejected. He told me that Interpreter Tape had demanded graft of \$100 as a condition of so interpreting the case that his wife would be admitted. He refused to pay and his wife was rejected. This young man when he went over there, he was a very bright young business fellow, and he had connected himself with a concern that was putting in or getting ready to put in a motor-bus line on a military road leading out of Canton. He had come here as a representative of that concern with funds to purchase the equipment. On his wife's rejection he was obliged, of course, to accompany her back to China. Which reminds me of another regulation they have here.

They have a regulation here, by the way, denying the Chinese of the right to remarry on our shores. A Chinaman will bring his wife here, and if the marriage is doubtful for any reason, he is not permitted to have another ceremony here. An immigrant of any other nation is. Every week there are upon the arrival of any oriental steamer numerous Japanese marriages performed here. This right is denied the Chinese. This young man was obliged to accompany his wife back to China and have the ceremony performed there. As a result of the treatment and rejection of his wife he has not returned to this country. As a further result, this equipment he intended to purchase here has been purchased abroad, in Germany, I believe.

Whether this result of rejection was the result of graft or honest administration of our law, it is one instance, and typical of a number of instances

upon which I formed my judgment and gives me my opinion that that exclusion law should be more liberally interpreted as to the privileged classes.

With the fact that there are only about, not to exceed, 2,000 new Chinese admitted to this country annually, I can not see what harm would come from admitting the wives of those who are lawfully here. I think, in fact, that should be the policy of this country. I think the admission of wives and children should be extended to the laboring classes. Now, I am speaking in the interest of this country and the commerce of this country, not in the interest of the Chinese. For, as I said, they don't care, they are indifferent to what this country does. But speaking now exclusively in our interests, extending our commercial interests, I believe that our present law should be more liberally construed.

Chinese who have been here and absorbed our civilization are friendly disposed toward this country. That man Chin Gee Hee, who is the head of that railroad, buys all of the equipment in this country that he possibly can. I found on that railroad some German locomotives. I learned that at the time he had to buy those locomotives in 1904 or 1905, was the time the Chinese were boycotting this country, and his directors would not permit him then to buy in this country. He was obliged at that time to buy those few locomotives in either Germany or Glasgow. But with the exception of that he gives preference, as do all the Chinese who have been here, to this country.

I found in Canton a Chinese tailor, Yee Gee—no; Gee Hee. He still maintains a place of business in Seattle. He went on a visit to China about three years ago, and he observed the demand there for the American style of clothing. He opened a tailoring establishment in Canton, and when I saw him there a year later he had more than 40 workmen employed making American style clothing.

Chairman WALSH. For native Chinamen?

Mr. LYSONS. For native Chinese; yes; right in the heart of that Chinese city of Canton. I found department stores there in Canton managed by Americanized Chinese. They get their stock cheaper in other countries than the United States because they haven't the opportunity to buy here that they have in other places. I found that they were stocked largely on goods from Japan, Germany, and England. And it does seem to me, gentlemen, particularly under the present condition where all the foreign countries are engrossed with their own troubles, that with the degree of statesmanship which we all believe our Americans are capable, that the United States now, by the proper treatment of China and her subjects could build up a commerce with China that would be simply astounding in its proportions.

Chairman WALSH. Much obliged, Mr. Lysons.

Call your next witness.

Mr. BUSIEK. Mrs. Hing.

TESTIMONY OF MRS. SARAH E. HING.

Chairman WALSH. Be sworn, please. Do you solemnly swear that the testimony which you are about to give in the hearing now before this commission, being an investigation into the alleged smuggling of Chinese into the United States, shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. HING. I do.

Mr. BUSIEK. Please give your name in full.

Mrs. HING. Sarah Elizabeth Hing.

Mr. BUSIEK. Where do you live, Mrs. Hing.

Mrs. HING. I live at 410 North Pine Street, Ellensburg, Wash.

Mr. BUSIEK. Your husband is Moy E. Hing?

Mrs. HING. Moy J. Hing.

Mr. BUSIEK. Moy J. Hing?

Mrs. HING. Yes, sir.

Mr. BUSIEK. And he is a Chinese?

Mrs. HING. Yes, sir.

Mr. BUSIEK. How long have you been married, Mrs. Hing?

Mrs. HING. I was married nine years ago.

Mr. BUSIEK. Where?

Mrs. HING. New York City.

Mr. BUSIEK. To Mr. Hing?

Mrs. HING. Yes, sir.

Mr. BUSIEK. Is he a native-born Chinese?

Mrs. HING. No, sir. He is born in Portland, Oreg.

Mr. BUSIEK. He was born in Portland, Oreg.?

Mrs. HING. Yes, sir.

Mr. BUSIEK. Is he of pure Chinese descent?

Mrs. HING. His parents are; yes.

Mr. BUSIEK. What business was Mr. Hing in when you married him?

Mrs. HING. In the restaurant business.

Mr. BUSIEK. In New York?

Mrs. HING. In Detroit, Mich.

Mr. BUSIEK. In Detroit, Mich.?

Mrs. HING. Yes, sir.

Mr. BUSIEK. And when did you then go to China?

Mrs. HING. I went to China in 1908, I think it was—yes, 1908, in November.

Mr. BUSIEK. On what mission?

Mrs. HING. I went to China as a missionary.

Mr. BUSIEK. Sent out by whom?

Mrs. HING. We went independently.

Mr. BUSIEK. You went independently?

Mrs. HING. I am from the Baptist Church, but the board does not pay Chinese to do missionary work in China.

Chairman WALSH. A little louder, please.

Mrs. HING. The board does not pay missionaries, not for Chinese missionaries; that is, the Chinese themselves, they don't pay the Chinese for doing mission work in China.

Mr. BUSIEK. Were you sent out with credentials from the Baptist Mission Board?

Mrs. HING. No; they knew I was going. Dr. A. C. Ward, of the Temple Baptist Church—

Mr. BUSIEK. Dr. who?

Mrs. HING. A. C. Ward.

Mr. BUSIEK. From Atlanta, Ga.?

Mrs. HING. I lectured with him all around America at that time.

Chairman WALSH. You lectured with him?

Mrs. HING. Yes.

Mr. BUSIEK. On what subject?

Mrs. HING. On the China subject, during the Boxer war.

Mr. BUSIEK. Had you been in China before?

Mrs. HING. I had been in China before.

Mr. BUSIEK. Under the auspices of whom?

Mrs. HING. Of the First Baptist Church of Augusta, Ga. This is my second marriage.

Mr. BUSIEK. I see. And what was your name then?

Mrs. HING. My name then was Lee. I married a Lee, and went to China. He had a wife there, and, of course, I had the marriage annulled, and came back to America.

Mr. BUSIEK. You went by the name of Sarah Elizabeth Lee?

Mrs. HING. Lee; yes, sir.

Mr. BUSIEK. And did you have credentials from the board at that time?

Mrs. HING. At that time the board sent me from the Baptist Church; yes, sir.

Mr. BUSIEK. In what year was that?

Mrs. HING. That was in 1889, 1887 or 1889, I think something along in between those two years.

Mr. BUSIEK. When you went there in 1908, then, you say you went independently?

Mrs. HING. Yes.

Mr. BUSIEK. You were not connected with any—

Mrs. HING. No, sir.

Mr. BUSIEK. Missionary board?

Mrs. HING. No, sir. I was not.

Mr. BUSIEK. Who paid your expenses in China?

Mrs. HING. I paid it myself. I taught school to support myself while I was there.

Chairman WALSH. What did you teach?

Mrs. HING. I taught English. I had a private school of my own and went out teaching. We teach by the hour from the different schools. But I taught in private families, mostly, and had my own school.

Mr. BUSIEK. That was in what city?

Mrs. HING. I had a school in Hongkong, and afterwards in Canton.

Mr. BUSIEK. Do you speak Chinese?

Mrs. HING. Pretty good.

Mr. BUSIEK. What gave you the idea of bringing students to the United States?

Mrs. HING. That was merely for a favor at that one time, is the only one time I have ever even insinuated such a thing to anybody that I wanted to bring any Chinese here at all. At that time they asked me as a favor, some of the boys, they had got up a club together and wanted to come to school, and I was coming back to America to see my mother, she is old and has nobody to support her, look after her, and I came back to see her, and they asked me if I would just merely come with them and see that they got through. I did it as a favor.

Mr. BUSIEK. I should have asked you; where were you educated, Mrs. Hing?

Mrs. HING. Well, in Peoria, Ill.

Mr. BUSIEK. And did you have an education which fitted you for teaching?

Mrs. HING. Well, teaching Chinese; yes. I can teach in the lower grades. Of course, I have educated myself mostly since I became a woman. I never graduated from any school.

Mr. BUSIEK. Not from ward school?

Mrs. HING. From the common schools, yes, but not from the high schools. I went to the summer school in Peoria, Ill.

Mr. BUSIEK. Not from ward school?

Mrs. HING. Why, through a—I read in a magazine of Mr. Cowell, and I thought I knew him, and asked him if he would take these students, and he said he would. They asked me to find a school for them, and I took them there. They paid me for taking them, but I told the inspectors when I came over that I would give up all responsibility of them after I had landed them in America. I didn't intend at all to take them. I didn't even want to, but they asked me a favor and I could not do anything else but grant it for them.

Chairman WALSH. Who paid you, you say, for taking care of them?

Mrs. HING. Nobody paid me. They gave me the money to pay for their schooling for three months, I believe it was, each student at Cushing Academy. And I thought that I knew Mr. Cowell, and I was trying to do him a favor, you understand, by putting them in that school. And I thought it was a better place for them to be educated at than a whole lot of other schools, because there were more foreigners there than they have at any other college here in America. And after I left, Mr. Monroe can tell you I came back to America apurpose afterwards to try to get those boys back in that school again, and I did all in my power to get them back.

Mr. BUSIEK. Did you ever write Principal Cowell that you were connected with the W. C. T. U. of China?

Mrs. HING. I was organizing the W. C. T. U. in China at that time; yes, sir.

Mr. BUSIEK. Did you have any correspondence with the national officers of that organization in America?

Mrs. HING. No. In Shanghai.

Mr. BUSIEK. Were you also organizing—or with whom did you correspond in Shanghai?

Mrs. HING. Now, I can't tell you that. I have the letter at home. A lady, she is.

Mr. BUSIEK. Will you furnish the commission with a copy of that letter?

Mrs. HING. Yes. I will look it up.

Mr. BUSIEK. All the correspondence. Were you also connected with the Y. W. C. A. in China?

Mrs. HING. No; I will tell you how it is. In China, in the interior, they don't allow you to open churches there. You know what I mean. In some of the villages they are against it, and I opened schools and Y. M. C. A.'s called it that merely, to get to open churches, religious work there through the interior. And that is the only way we could do it by you known, calling it a Y. M. C. A. or W. C. T. U. But they told me, now I have my Christian Endeavor badges, and things that I can use. I didn't have it at that time.

Mr. BUSIEK. Did you have any correspondence with the central officers of the Y. W. C. A. in China?

Mrs. HING. No, no; I will tell you what I had. At the Y. M. C. A.—we belong to that, my husband and I do, and we pay so much a year. But they

don't allow you to organize a society under them there. Of course they run that by themselves. They are very peculiar about such ideas.

Mr. BUSIEK. Well, in a letter to Mr. Cowell, under date of August 19, 1911, I will ask you if you did not sign yourself as "S. E. Hing, organizer of the Chinese Y. W. C. A. and W. C. T. U."?

Mrs. HING. Yes; the Young Ladies' Christian Association and the Womens' Christian Association.

Mr. BUSIEK. But you were using——

Mrs. HING. I was organizing myself under that; Mr. Bergholtz told me I could organize any Christian society I wished to; I could do that.

Mr. BUSIEK. Mr. Bergholtz was——

Mrs. HING. He was American consul at that time.

Mr. BUSIEK. At Canton?

Mrs. HING. Yes, sir.

Mr. BUSIEK. Now, how many students did you bring over?

Mrs. HING. There were 21 boys came, one was a traveler and 20 were students.

Mr. BUSIEK. How much money per head did they pay you?

Mrs. HING. There was \$25 apiece to pay to the school for three months' tuition. That is all they gave me. And they paid their own ticket money, that is, I interceded for them to get it, and that is all that I saw of their money.

Mr. BUSIEK. Did you ever get in touch with the friends or relatives to whom they were destined here in the United States?

Mrs. HING. There was some of them sent letters through me and I gave them to Mr. Bergholtz, letters they would support those boys, and I think they should be made to do it.

Mr. BUSIEK. You paid \$25 apiece, then, to Cushing Academy?

Mrs. HING. Yes, sir; I have the receipt at home for it.

Mr. BUSIEK. That is all the money you ever got out of any of those boys?

Mrs. HING. Yes, sir.

Mr. BUSIEK. Did they have any money besides that?

Mrs. HING. Some of them did, and some of them didn't. Their parents or or whoever their guardian was here, was to support them in the school.

Mr. BUSIEK. What was the first intimation you had that these students were deserting the Cushing Academy?

Mrs. HING. I got a letter from Mr. Caldwell stating some of the boys had left. I was back in China, and I came right back to America.

Mr. BUSIEK. You came back where?

Mrs. HING. To America, and I have been working ever since to get the boys in school, or send them back.

Mr. BUSIEK. I didn't understand where you say you came back to.

Mrs. HING. I came back to America, to Seattle. I lived here until last January, then I went to Ellensburg.

Mr. BUSIEK. Did you know those boys before you brought them over?

Mrs. HING. Some of them I did and some I didn't.

Mr. BUSIEK. Did anybody assist you in bringing them?

Mrs. HING. No, sir; nobody at all.

Mr. BUSIEK. Did you and Mr. Hing ever live in Chicago?

Mrs. HING. Yes, sir.

Mr. BUSIEK. What business was he in?

Mrs. HING. None at all. We lived there before we went to China; we lived there only two or three weeks.

Mr. BUSIEK. What was your address in Chicago?

Mrs. HING. We stopped at a rooming house.

Mr. BUSIEK. You stopped where?

Mrs. HING. We stopped at a rooming house; I am trying to think of the number now and the street. I can't think of the number, but we stopped at a girl's that is married to a Chin company there. It was on Fourth Avenue, Plymouth Place then; it has changed hands.

Mr. BUSIEK. Did you ever live in St. Paul?

Mrs. HING. No, sir.

Mr. BUSIEK. Or Minneapolis?

Mrs. HING. No, sir.

Mr. BUSIEK. Did you stop there?

Mrs. HING. I have been through there; I never stopped off there.

Mr. BUSIEK. What were your movements after you left the East, after having placed those boys in Cushing Academy?

Mrs. HING. I went home to Peoria to see my mother; that is what I came here for. I stopped there a month, and my husband went to Duluth and opened a store and placed two of his cousins there, and we went back to China, where I had my school, and I could not leave it.

Mr. BUSIEK. What was Mr. Hing doing?

Mrs. HING. He was interpreter in the school.

Mr. BUSIEK. He was what?

Mrs. HING. Interpreter.

Mr. BUSIEK. He was acting as your interpreter?

Mrs. HING. Yes, sir; interpreter.

Mr. BUSIEK. What business are you in now?

Mrs. HING. We are the O. & O. Medicine Co.—Oriental and Occidental.

Mr. BUSIEK. Who else in that firm?

Mrs. HING. We have four people besides. I don't know the names of his men. We have one Dr. Wong.

Mr. BUSIEK. Dr. who?

Mrs. HING. Dr. Wong.

Mr. BUSIEK. W a n g?

Mrs. HING. W-o-n-g. You will have to ask my husband those names, he can tell you better than I can.

Mr. BUSIEK. Is he a practicing physician?

Mrs. HING. He is in China, but not here. We don't sell only patent medicines. We don't examine people, or such as that.

Mr. BUSIEK. Where do you get the medicines?

Mrs. HING. We get them from China and America; we use both.

Mr. BUSIEK. Who makes the medicines—who compounds them?

Mrs. HING. My husband does; the doctors.

Mr. BUSIEK. Through what port did you bring these boys?

Mrs. HING. I came through Vancouver, right straight through. I was to have landed at Seattle, but they stopped us at Vancouver, and made us go over the Canadian Pacific Railroad Co.

Mr. BUSIEK. How many immigration officers have come to see you—that is, come to see you in regard to these students?

Mrs. HING. Nobody but Mr. Monroe.

Mr. BUSIEK. Did Mr. Monroe come to see you, or did you go to see Mr. Monroe?

Mrs. HING. I went to see Mr. Monroe, and he came to me and told me I must find those boys.

Mr. BUSIEK. How many of them did you find?

Mrs. HING. I haven't found a good many of them. We have them all by number. I don't know a lot of their names, and my husband writes and we try to find out, and by the time we get there some of them have gone. Two or three of them have stated that owing to the war their father has become poor, and they had to work in the summer to go to school in the winter. I don't know how true it is. If I had the money I would go and find them.

Mr. BUSIEK. How long were the students detained at Vancouver?

Mrs. HING. Three or four days.

Mr. BUSIEK. Did you have the money for them, or did the boys have it themselves?

Mrs. HING. They had to send to Chicago and different places a telegram. I think you will see that registered, to get their money to pay their railroad fare on.

Mr. BUSIEK. Any questions by the commissioners?

Commissioner O'CONNELL. Are you and your husband the owners of this O. & O. Medicine Co.?

Mrs. HING. Yes, sir.

Commissioner O'CONNELL. These people that are there work for you?

Mrs. HING. Yes, sir; that is, they are in business with us, we have them as partners. We put up shares together and opened that, and I am getting all the Chinese to go together and patent their medicines and register it in Washington and try to do the American way.

Commissioner O'CONNELL. You say you don't examine patients at all?

Mrs. HING. No, sir; we are not allowed to do that; that would be against the law.

Commissioner O'CONNELL. You sell medicine to cure any ill they complain of?

Mrs. HING. They have never made complaint of any case we have doctored.

Commissioner O'CONNELL. If I would go to you for medicine you would ask me what I wanted it for?

Mrs. HING. Yes, sir; we would ask you; we would have to ask you that or we could not sell it. You will excuse my expression, I don't mean to be impertinent, but if we would sell toothache medicine for some inside complaint we would do ourselves injury and the patient, too. We have to ask.

Commissioner O'CONNELL. They tell you what is wrong and you simply judge by that?

Mrs. HING. If they are very sick we call in a consulting physician.

Commissioner O'CONNELL. You advertise your medicine to cure a great number of things?

Mrs. HING. No, sir; we claim we can cure any curable disease at all. We don't cure anything that the other doctors say they can't cure.

Commissioner O'CONNELL. You attempt to cure tubercular patients?

Mrs. HING. They have had success in certain cases of that kind. Like consumption, they can't cure that, or cancer, or such things as that they don't profess to cure it.

Commissioner O'CONNELL. Have you a stipulated price for the medicine?

Mrs. HING. Yes, sir; a dollar and a half for certain medicines and a dollar for others. Of course we have to warm the medicine. Every day the patient has to come and drink at the house. It is a herb root medicine, and anybody can come and see us cook it. They come there right to the house and drink it.

Commissioner O'CONNELL. How much medicine do you sell?

Mrs. HING. Not sell very much; the business very quiet.

Commissioner O'CONNELL. Do you sell a hundred dollars a week?

Mrs. HING. Nothing like that now. We did a while back; but, of course, the doctors have objected, and we don't try. We don't advertise or anything any more.

Commissioner O'CONNELL. Your place is down the street?

Mrs. HING. Yes, sir.

Commissioner O'CONNELL. I see three or four windows with large signs painted on them; that is your place?

Mrs. HING. Yes, sir.

Commissioner O'CONNELL. There is considerable advertisement on those windows.

Mrs. HING. Yes, sir; we are going to take that off. We have registered and we have patented our medicine.

Commissioner O'CONNELL. That is all.

Chairman WALSH. That is all; thank you.

Mr. BUSIEK. Moy J. Hing.

TESTIMONY OF MR. MOY J. HING.

Chairman WALSH. Do you solemnly swear that the testimony which you are about to give in the hearing now pending before this commission, being an investigation as to the alleged smuggling of Chinese into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HING. Yes, sir.

Mr. BUSIEK. State your name in full.

Mr. HING. Moy J. Hing.

Mr. BUSIEK. Moy J. Hing?

Mr. HING. Yes, sir.

Mr. BUSIEK. Please speak out so that the commissioners can hear you. Where were you born?

Mr. HING. At Portland, Oreg.

Mr. BUSIEK. When?

Mr. HING. Thirty-nine years ago.

Mr. BUSIEK. Thirty-nine years ago?

Mr. HING. Yes, sir.

Mr. BUSIEK. And where were you educated?

Mr. HING. Why, in Portland.

Mr. BUSIEK. In the common schools of Portland?

Mr. HING. Yes, sir.

Mr. BUSIEK. How long did you attend?

Mr. HING. I attended there four years.

Mr. BUSIEK. And how old were you when you quit school?

Mr. HING. I quit school when I was 16.

- Mr. BUSIEK. Then what did you do?
- Mr. HING. I was working around.
- Mr. BUSIEK. Working in laundries?
- Mr. HING. No, sir; as cooking and working in Chinese bazaars or something like that.
- Mr. BUSIEK. How long did you work as a cook?
- Mr. HING. I worked as cook three years.
- Mr. BUSIEK. How long did you work in bazaars?
- Mr. HING. Different times—five or six years.
- Mr. BUSIEK. Then what did you do?
- Mr. HING. Well, then, I got married at New York; and then I went about—kept Chinese restaurant in Detroit for a while, and then I go to China.
- Mr. BUSIEK. Whom did you marry in New York?
- Mr. HING. Sarah Lee.
- Mr. BUSIEK. You say you were 16 when you quit school and you cooked three years until about 19, and then you worked in the bazaars six years; that would make you about 25 when you were married; is that right?
- Mr. HING. Yes, sir; something like that.
- Mr. BUSIEK. How long have you been married?
- Mr. HING. It is over 10 years; I can't remember. I remember I married in New York on February 11, but I forget the year.
- Mr. BUSIEK. Mrs. Hing says she has been married to you nine years; that would be about right?
- Mr. HING. She must be right.
- Mr. BUSIEK. Did you do anything else—have any other occupation than that of cook for three years and working in bazaars about six years?
- Mr. HING. Yes, sir.
- Mr. BUSIEK. What else did you do?
- Mr. HING. And the rest of the time when in America before——
- Mr. BUSIEK. I mean before you were married.
- Mr. HING. Yes, sir; and waiting on table in Chicago and those places.
- Mr. BUSIEK. You waited table in Chicago?
- Mr. HING. Yes, sir.
- Mr. BUSIEK. How long did you put in at that?
- Mr. HING. Why, I think at different places for a few years.
- Mr. BUSIEK. How many years?
- Mr. HING. I can't tell you exactly.
- Mr. BUSIEK. About how long?
- Mr. HING. About four or five, something like that.
- Mr. BUSIEK. In Chicago?
- Mr. HING. Yes, sir.
- Mr. BUSIEK. What places?
- Mr. HING. In Chicago, on Twelfth Street, and Detroit, and Cleveland, Ohio, and Buffalo.
- Mr. BUSIEK. Who was the Chinese inspector at Chicago when you were there?
- Mr. HING. I don't know.
- Mr. BUSIEK. Who was the Chinese inspector at Cleveland?
- Mr. HING. At Cleveland we haven't—you mean Chinese or American?
- Mr. BUSIEK. The inspector of Chinese, the immigration inspector?
- Mr. HING. I don't know them at all.
- Mr. BUSIEK. What restaurant did you work at in Cleveland?
- Mr. HING. Hongkong.
- Mr. BUSIEK. Didn't you know a man by the name of George Cullen there at Cleveland?
- Mr. HING. No, sir; I don't believe I did. Maybe if I saw him I know him.
- Mr. BUSIEK. What were you doing in New York when you married Mrs. Hing?
- Mr. HING. I wasn't living in New York; I just passed through to marry her, is all.
- Mr. BUSIEK. Where did you meet Mrs. Hing?
- Mr. HING. I met her in Chicago.
- Mr. BUSIEK. What was Mrs. Hing doing at the time?
- Mr. HING. She was attending some Sunday school there in Chicago.
- Mr. BUSIEK. Were you attending that same mission?
- Mr. HING. Yes, sir.
- Mr. BUSIEK. What church was that?

Mr. HING. That is the Baptist.

Mr. BUSIEK. Baptist Church?

Mr. HING. Yes, sir.

Mr. BUSIEK. And where was that—what year was it?

Mr. HING. That is the year I was in Chicago, I don't know; 1902 or 1903.

Mr. BUSIEK. When did you go to China, what year?

Mr. HING. Six years ago I went to China.

Mr. BUSIEK. In 1908?

Mr. HING. Yes, sir.

Mr. BUSIEK. Had you ever been in China before?

Mr. HING. No, sir; that is the first time.

Mr. BUSIEK. How did you come to go to China?

Mr. HING. Well, she wanted to go, and she made up our mind to go, and that is all I know. I not intend to go and don't at that time.

Mr. BUSIEK. Where did you get the money to go?

Mr. HING. We both kept a place in Detroit and both worked together and saved the money.

Mr. BUSIEK. What kind of place?

Mr. HING. We kept a restaurant, I forget the man's name, in LaFayette Avenue in Detroit, over a saloon.

Mr. BUSIEK. What was the name of your restaurant?

Mr. HING. I go under the name Fook Hing.

Mr. BUSIEK. What did you do after you got to China? Where did you go in China?

Mr. HING. First we arrived at Hongkong, and then we went to the country for two months, and then came back to Hongkong.

Mr. BUSIEK. What did you do in the country?

Mr. HING. Didn't do anything.

Mr. BUSIEK. What did you go for?

Mr. HING. I never had been there and I go to see how the country is, and we come back to Hongkong and open a school to teach English.

Mr. BUSIEK. What Province did your people come from?

Mr. HING. Canton.

Mr. BUSIEK. Canton?

Mr. HING. Yes, sir.

Mr. BUSIEK. And where did you go after you left Hongkong?

Mr. HING. Go to Canton.

Mr. BUSIEK. And your people live there?

Mr. HING. Yes, sir; about 22 miles from there.

Mr. BUSIEK. And your father and mother lived there?

Mr. HING. Just my mother.

Mr. BUSIEK. Your mother?

Mr. HING. Yes.

Mr. BUSIEK. And you went back to visit her?

Mr. HING. Yes.

Mr. BUSIEK. Where is your father?

Mr. HING. My father is dead.

Mr. BUSIEK. When did he die?

Mr. HING. He died in Portland, Oreg. It is a long time ago.

Chairman WALSH. Speak a little louder, Mr. Hing.

Mr. HING. Yes. My father he died at Portland, Oreg., and I forget the year.

Chairman WALSH. How old was he when he died?

Mr. HING. I think about 12 or 13 years old.

Chairman WALSH. How old was he, I say, when he died?

Mr. HING. I don't know.

Chairman WALSH. How old were you?

Mr. HING. About 12 or 13.

Chairman WALSH. Were you born in China?

Mr. HING. No.

Chairman WALSH. What school did you go to in Portland?

Mr. HING. The public school.

Chairman WALSH. What school?

Mr. HING. That is in Second—I forget the school's name.

Chairman WALSH. Where did you live when you went to school in Portland?

Mr. HING. I lived in Mary Street.

Chairman WALSH. Where?

Mr. HING. Mary Street.

Chairman WALSH. What is the number of the house?

Mr. HING. That is between the Second and Third. I can't tell you the number of the house.

Chairman WALSH. What business was your father in?

Mr. HING. I don't know.

Chairman WALSH. Who did you live with after your father died?

Mr. HING. I lived with my uncle.

Chairman WALSH. Was your mother in Portland when your father died?

Mr. HING. Yes.

Chairman WALSH. How long had you been there?

Mr. HING. I don't know.

Chairman WALSH. When did your mother go back to China?

Mr. HING. That is, at first she go back, first she go back about—let us see—I forget when she first go back.

Chairman WALSH. Did you have any brothers and sisters?

Mr. HING. No.

Chairman WALSH. Has your right to be in this country ever been in question?

Mr. HING. Yes.

Chairman WALSH. Where?

Mr. HING. I don't know what you mean, "right."

Chairman WALSH. Have you ever been charged with having been smuggled into this country, yourself?

Mr. HING. No; I never. This first time I ever been in courthouse, I think.

Chairman WALSH. This is the first time you have ever been in the courthouse?

Mr. HING. Yes.

Chairman WALSH. Go ahead, I don't want to interrupt you.

Mr. BUSIEK. Do you know the name of your school-teacher at Portland?

Mr. HING. No.

Mr. BUSIEK. How many school-teachers did you have?

Mr. HING. Well, I tell you, on that time when I go to school, I can't understand much even now; I can't understand very much. I don't know the name.

Mr. BUSIEK. You don't know the name?

Mr. HING. No.

Mr. BUSIEK. Well, what did you do for four years, didn't you even learn the name of your teacher?

Mr. HING. Yes; but you see since I was away so long, maybe that time I forget. I know. Now, I forget.

Mr. BUSIEK. What did you do in Canton after you got there?

Mr. HING. Well, I help my wife teach a little English for the Chinese, what I know.

Mr. BUSIEK. How many students did you have?

Mr. HING. We generally have—some schools had over 50 in number; some months go more and some months go less.

Mr. BUSIEK. How much did you charge per student?

Mr. HING. If we open the place ourselves, we charge \$5 a month for each student, but some away out and go teach him is a different price. They pay \$50 a month for each one.

Mr. BUSIEK. You say you charge \$5 a month for students?

Mr. HING. Yes.

Mr. BUSIEK. But where you went to their place you charged sometimes as high as \$50?

Mr. HING. I mean there is people hire out to teach by themselves.

Mr. BUSIEK. How long did you stay in China?

Mr. HING. We stay in China, first time, we stay over four years, I guess.

Mr. BUSIEK. And how did you come to bring those boys over here to Cushing Academy?

Mr. HING. Well, them boys come over that time; I didn't know it, and everything she fix; and we got ready to Hongkong; and she told me she got some boys with her to bring over.

Mr. BUSIEK. You never heard of these boys until you got to Hongkong?

Mr. HING. No.

Mr. BUSIEK. Didn't know that she was going to bring them over?

Mr. HING. No.

Mr. BUSIEK. And how much did they pay you for bringing them over?

Mr. HING. They don't pay me nothing; I don't know them.

Mr. BUSIEK. How much did they pay her?

Mr. HING. I don't know.

Mr. BUSIEK. Haven't you ever asked her?

Mr. HING. Well, no.

Mr. BUSIEK. Didn't she ever tell you?

Mr. HING. No.

Mr. BUSIEK. What did she say about bringing them over and getting pay for it?

Mr. HING. When she got to Hongkong, she says she has them boys to bring over, and I asked her what you done it for; and she say she done it for favor; that is all she told me.

Mr. BUSIEK. Did you ever write any letters to Prof. Cowell?

Mr. HING. No; I never wrote to him myself.

Mr. BUSIEK. Who wrote the letters to Prof. Cowell?

Mr. HING. If anything was wrote, they must be wife.

Mr. BUSIEK. Did you sign any letters to Prof. Cowell yourself?

Mr. HING. I don't believe I did.

Mr. BUSIEK. I will read you this:

"Moy J. Hing, care of Wu Hing, 18 First Street.

"WEST DULUTH, MINN., *January 22, 1912.*

"Mr. COWELL.

"DEAR FRIEND: Please excuse my delay in answering yours of the 11th, but as I just received it I am not responsible. I am sorry my boys have been dissatisfied with the school that I chose for them and feel sure it is in every way an advantage. Why they did such a thing to leave where I paid and taken the trouble, as you know it wasn't very little, to give them the best. I will try to find out what was the trouble and let you know. But, as to their going to work, I am sure they will not do that, as I have the best authority in regard to their going to school. Probably they think the expenses too high for beginners, as some of their guardians so informed me."

Chairman WALSH. You are reading that so fast I can't understand it, and I don't think he can.

Mr. BUSIEK (continuing):

"I will try to find out what was the trouble and let you know. But, as to their going to work I am sure they will not do that, as I have the best authority in regard to their going to school. Probably they think the expense was too high for beginners. Some of their guardians so informed me. As to that I will try and get a report and send same to you as early as possible, as I receive it myself by the above address.

"Now, Mr. Cowell, I want to thank you for all that you have done for me and my people, and also wish to assure you that I will do all in my power to get the boys to return. I can't do more. Until then I wish to remain, ever your most sincere friend,

"Moy J. Hing."

Mr. HING. Yes, that letter I wrote; but she wrote, wife. On that time she is sick in Duluth. Then I keep that Wu Hing Chinese grocery store there, and she write that, and I copy in the typewriter.

Mr. BUSIEK. Mrs. Hing wrote it?

Mr. HING. Yes.

Mr. BUSIEK. And you copied it?

Mr. HING. Yes, sir.

Mr. BUSIEK. Why didn't you send the one that she wrote?

Mr. HING. Well, because she is sick that time, I tell you she is sick, and she can't write it, and she just a little scratched that out, and I copied that in the typewriter and sent it to him.

Mr. BUSIEK. Did you ever write any other letter to Prof. Cowell?

Mr. HING. No.

Mr. BUSIEK. Didn't you write another one from Duluth in February?

Mr. HING. If anyone wrote, she must wrote it.

Mr. BUSIEK. And signed your name to it?

Mr. HING. Yes, sir.

- Mr. BUSIEK. What business are you in now?
- Mr. HING. I am in the Chinese medicine business now.
- Mr. BUSIEK. Who else is in that business with you?
- Mr. HING. Well, there is at present—it is Wong Quan.
- Mr. BUSIEK. How do you spell his name?
- Mr. HING. I don't know how he spells.
- Mr. BUSIEK. Wong Quan?
- Mr. HING. Yes; Wong Quan.
- Mr. BUSIEK. W-o-n-g?
- Mr. HING. Yes, sir; I guess it is.
- Mr. BUSIEK. Q-u-a-n?
- Mr. HING. Yes.
- Mr. BUSIEK. Or Q-u-o-n?
- Mr. HING. Q-u-a-n, I think.
- Mr. BUSIEK. And what does Wong Quan do?
- Mr. HING. Wong, he has charge in Seattle place now.
- Mr. BUSIEK. Who else is in business with you?
- Mr. HING. That is Ju Wing Wah.
- Mr. BUSIEK. Ju Wing Wah?
- Mr. HING. Yes, sir.
- Mr. BUSIEK. And what does he do?
- Mr. HING. He stay in Seattle in charge of this place.
- Mr. BUSIEK. And who else have you?
- Mr. HING. That is all.
- Mr. BUSIEK. Who is the doctor?
- Mr. HING. That is Wong.
- Mr. BUSIEK. Where did he study medicine?
- Mr. HING. In China.
- Mr. BUSIEK. And what do you know about the medicine?
- Mr. HING. Well, I learned in China; I was in there and I learned some of them, and now I learn what I know from him.
- Mr. BUSIEK. You learned how to cure people and make medicine in the four years that you were over there in China?
- Mr. HING. I learned some of them; yes.
- Mr. BUSIEK. Or the three years. Who is the doctor at your Ellensburg office?
- Mr. HING. Well, I intend to send another one from Oakland but he has not come yet. I am staying there myself, that is all.
- Mr. BUSIEK. Is there anyone in your company by the name of Chin On?
- Mr. HING. Chin On?
- Mr. BUSIEK. You know him, don't you?
- Mr. HING. Yes; I know him.
- Mr. BUSIEK. Isn't he connected with your company?
- Mr. HING. Chin On; well, that is two Chin Ons. That is, one is at Portland; he is not connected with it at all. That is another Chin On that is talking about it and trying to get some shares in the business.
- Mr. BUSIEK. Well, now, this Chin On, he is a member of the On Hing Co., at No. 66 Second Street, Portland, Oreg., he has got an interest in your business, has he not?
- Mr. HING. No.
- Mr. BUSIEK. He did have?
- Mr. HING. No.
- Mr. BUSIEK. Never was around your place at all?
- Mr. HING. No.
- Mr. BUSIEK. Do you know him?
- Mr. HING. Well, yes; I know him.
- Mr. BUSIEK. Where did you meet him?
- Mr. HING. I met him at different places.
- Mr. BUSIEK. What business is he in?
- Mr. HING. Well, I know him that time, he is working around, he is a cook at that time, I know, but I don't know where he is now.
- Mr. BUSIEK. Did you ever hear that he was in the smuggling business?
- Mr. HING. No.
- Mr. BUSIEK. Never heard of that?
- Mr. HING. No.
- Mr. BUSIEK. Is he connected with the Portland Fish Co.?
- Mr. HING. That I don't know.
- Mr. BUSIEK. What kind of medicine does your concern make?

Mr. HING. Well, it is most any lines.

Mr. BUSIEK. You have medicines for coughs?

Mr. HING. Yes.

Mr. BUSIEK. And medicines for colds?

Mr. HING. Yes.

Mr. BUSIEK. Medicines for consumption?

Mr. HING. Yes.

Mr. BUSIEK. Medicines for cancer?

Mr. HING. Yes.

Mr. BUSIEK. And medicines for anything that a man may have wrong with him?

Mr. HING. Yes.

Mr. BUSIEK. Well, who tells the man what kind of medicine to take?

Mr. HING. Well, he come—generally the people come up there and he tell what is the trouble by himself—and the doctors will give him what he needs.

Mr. BUSIEK. The doctor does?

Mr. HING. Yes.

Mr. BUSIEK. You have no doctor at Ellensburg. Who tells him what he needs there?

Mr. HING. Well, that is—the Dr. Wong he used in there with me, but he just come back here last three weeks ago.

Mr. BUSIEK. The people who have been coming in the last three weeks, who tells them what they need?

Mr. HING. Well, he come up, he tell me what he want, rheumatism medicine, I give him that; if he want any other medicine I give him the other.

Mr. BUSIEK. You have a good many women come there, too?

Mr. HING. No.

Mr. BUSIEK. No women at all?

Mr. HING. Well, occasionally there is some old lady. If the womans come up it was some ones knowing us.

Mr. BUSIEK. I believe that is all I care to ask. I do want to ask one more question, beg pardon. Did you talk to any Chinese inspector about this business at Ashburnham, about these boys escaping from Ashburnham?

Mr. HING. Well, since I came back here Mr. Monroe has been—went up to the house couple of times and tried to find out what those boys were at.

Mr. BUSIEK. Did Monroe ever ask you about your personal history?

Mr. HING. No.

Mr. BUSIEK. Or try to find out who you were or where you were from or anything about you?

Mr. HING. No.

Mr. BUSIEK. Any other inspectors besides Monroe ever come out to see you?

Mr. HING. No; that is all. I did help him write Chinese letter for him for everyone of them, but I have few of them answer, but the rest of them I no receive any answer.

Mr. BUSIEK. That is all.

Commissioner O'CONNELL. Do you know Frank Tape?

Mr. HING. Yes.

Commissioner O'CONNELL. Is he interested in your firm or company?

Mr. HING. No.

Commissioner O'CONNELL. Did he ever put any money in your business?

Mr. HING. No.

Commissioner O'CONNELL. Has he ever visited you in any way in connection with Chinamen coming in here?

Mr. HING. No. He come up there couple of times, but every time he come up with Mr. Monroe together.

Commissioner O'CONNELL. He and Mr. Monroe?

Mr. HING. Yes.

Commissioner O'CONNELL. He never talked to you alone?

Mr. HING. No.

Commissioner O'CONNELL. Did you ever go to his place, his house?

Mr. HING. No; I don't know what you mean.

Commissioner O'CONNELL. How much business does your firm do?

Mr. HING. Well, it don't do very much now. Every month in Seattle average about \$250 a month in Seattle.

Commissioner O'CONNELL. Two hundred and fifty dollars a month?

Mr. HING. Yes.

Commissioner O'CONNELL. Now?

Mr. HING. Yes.

Commissioner O'CONNELL. What was the highest business you have done there?

Mr. HING. Well, the highest, that is four months ago, I been take in \$320 and something; that is the highest I been.

Commissioner O'CONNELL. How long has the business been running?

Mr. HING. That is last June.

Commissioner O'CONNELL. Last June?

Mr. HING. A year ago last June.

Commissioner O'CONNELL. How much business do you do in Ellensburg?

Mr. HING. In Ellensburg, that is about \$80 or \$90 a month.

Commissioner O'CONNELL. Have you got any business any place else?

Mr. HING. No.

Commissioner O'CONNELL. Just those two places?

Mr. HING. Yes.

Commissioner O'CONNELL. How many share in that amount of money, who do you divide with?

Mr. HING. Well, I got four shares.

Commissioner O'CONNELL. Four share?

Mr. HING. Yes.

Commissioner O'CONNELL. Divide equally?

Mr. HING. Yes.

Commissioner O'CONNELL. Each one gets the same amount?

Mr. HING. Yes.

Commissioner O'CONNELL. Divide up each month?

Mr. HING. Yes. If we make any we might divide each month, but last few months we have——

Commissioner O'CONNELL. What is your expense?

Mr. HING. Expense in Seattle about \$70 month in Seattle.

Commissioner O'CONNELL. And your expense at Ellensburg?

Mr. HING. Yes; in Ellensburg, I think, \$55.

Commissioner O'CONNELL. If you take in \$280 a month and your expense is \$70 a month, you clean up \$210 a month?

Mr. HING. Yes.

Commissioner O'CONNELL. What does it cost you to make this medicine?

Mr. HING. That is, suppose people have cough, fever, something like that, 16 cents make up one dose.

Commissioner O'CONNELL. About 16 cents?

Mr. HING. Sixty to make.

Commissioner O'CONNELL. To make one bottle?

Mr. HING. Yes.

Commissioner O'CONNELL. You sell that for what, \$1.50?

Mr. HING. Yes.

Commissioner O'CONNELL. The other bottles you make up run about the same?

Mr. HING. No. The others, the tonics, they can't tell. According what kind tonic. Some one bottle cost, maybe, \$2, \$3; some, maybe, altogether \$10 or \$15.

Commissioner O'CONNELL. How many bottles of your medicine do you make out of that?

Mr. HING. I just talk about one bottle.

Commissioner O'CONNELL. One bottle costs \$16?

Mr. HING. Yes.

Commissioner O'CONNELL. What do you sell it for?

Mr. HING. I sell it for \$20 or \$25, maybe \$30.

Commissioner O'CONNELL. One bottle of medicine; how large a bottle?

Mr. HING. Sixteen ounces.

Commissioner O'CONNELL. Sixteen ounces?

Mr. HING. Yes, sir.

Commissioner O'CONNELL. Cost you \$16?

Mr. HING. Yes.

Commissioner O'CONNELL. Do you bring that from Canton?

Mr. HING. The roots; yes; the roots.

Commissioner O'CONNELL. The roots?

Mr. HING. The roots we send from China, but we cook them in these country.

Commissioner O'CONNELL. You prepare it here?

Mr. HING. Yes.

Commissioner O'CONNELL. And you have it prepared, and that costs \$16 for a 16-ounce bottle, a dollar an ounce?

Mr. HING. Yes.

Commissioner O'CONNELL. Expensive medicine.

Mr. HING. Yes; it costs in here some.

Commissioner O'CONNELL. How many different kinds of bottles of medicine do you make up?

Mr. HING. That is only two size; that is, the 6-ounce and 16-ounce.

Commissioner O'CONNELL. Same medicine?

Mr. HING. Yes.

Commissioner O'CONNELL. Do you sell that same medicine to cure all the different diseases?

Mr. HING. No; got some medicine for everything.

Commissioner O'CONNELL. How many different kinds do you have?

Mr. HING. Well, that is—I can't tell you how many different kinds exactly, but we have got medicine for colds, we got medicine for toothache——

Commissioner O'CONNELL. For toothache?

Mr. HING. Yes. Yes. And we got medicine for kidney trouble and all kinds of aches. I got about 15 or 20 different kinds.

Commissioner O'CONNELL. And the one bottle of medicine you sell, for instance, for a cough or cold, that is of the same kind of medicine, is it not?

Mr. HING. No.

Commissioner O'CONNELL. Different medicines?

Mr. HING. Yes.

Commissioner O'CONNELL. And for consumptives you have a different medicine again?

Mr. HING. Yes.

Commissioner O'CONNELL. That is all.

Mr. BUSIEK. You may be excused.

TESTIMONY OF MR. LEW WING.

Mr. BUSIEK. Mr. Wing, will you take that stand?

Chairman WALSH. Will you be sworn? Do you solemnly swear that the testimony that you are about to give at the hearing now pending before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WING. Yes, sir.

Mr. BUSIEK. Please state your name in full.

Mr. WING. Lew Wing.

Mr. BUSIEK. How do you spell it?

Mr. WING. L-e-w W-i-n-g.

Mr. BUSIEK. I want to state by way of explanation, Mr. Wing, that this is the United States Commission on Industrial Relations, who have been charged by Congress to inquire into the smuggling or other illegal entry of Asiatics; and for the purpose of getting complete information about conditions, the commission is holding secret hearings, so as not to embarrass the witnesses who appear before it. And we do that for the purpose of getting frank statements; and we would like for you to be perfectly frank with this commission as if you were talking with your attorney.

Now, Mr. Wing, you know Frank Tape, do you not?

Mr. WING. Why, I know him, not personally know him; but I know him; yes.

Mr. BUSIEK. You have had some business dealings with Tape, have you not?

Mr. WING. Why, the business, is not exactly business, but because I have been here longer than Tape here, you know I been in business here quite a while, and he's interpreter of this port, and all these men are not much personally acquainted.

Mr. BUSIEK. Well, to get right down to what we want, you have paid Frank Tape \$200, have you not?

Mr. WING. Yes; two—twice.

Mr. BUSIEK. Just tell the commission what the circumstances of that were?

Mr. WING. On that partner of mine he son is business man of the Wing Co., 1100 Third Avenue. Third and Spring. That time about, in 1911—that time the partner of mine his boy get more educated. For that purpose the boy starts

to school now, but in vacation time, not in school, but he is taking the vacation. And at that time the partner of mine, Lew Tun is his name, a case investigated by the immigration official down here this port. And case, took it up, everything all right, you know, before that boy admitted, of course. The witnesses, the amount of business in this city, knowing Lew Tun has been a business man in this city. So finally case, before the boy made it, only day or two before the boy made it Tape come up to me, and he asked me about that case, and he said he want some money on that case. I say, "Why?" "Oh," he said, I want money for the case. If not I spoil the case. I sent boy back," something like that. So finally I told what Tape told me, and I tell the boy's father. His boy's father thought he would think it over and over, you see, and I have nothing to do with it, but leave it with him, what Tape told me, what he asked me, I present to his father, the boy's father. So the boy's father think it over. He said he might harm the case, he couldn't do, he couldn't do any good, but he can hurt the case, the boy's father said. He said, "Better give him to save trouble, he send boy back, and the boy little boy, don't want him to suffer from the seasick, long ways off and give it to him, so he be done with him," something like that. So his father give me the money, and then Tape come around again, so I gave it to him.

Chairman WALSH. The boy's father gave you \$200?

Mr. WING. No; \$100.

Chairman WALSH. One hundred dollars to give to Tape?

Mr. WING. Yes.

Chairman WALSH. You gave Tape \$100?

Mr. WING. Yes.

Chairman WALSH. Where?

Mr. WING. In a store.

Chairman WALSH. In your store?

Mr. WING. Yes.

Chairman WALSH. In the city of Seattle?

Mr. WING. Yes.

Chairman WALSH. And what date was that?

Mr. WING. I forget exact the date.

Chairman WALSH. And when was it?

Mr. WING. I think about September of 1911.

Chairman WALSH. 1911. Now, then, did the boy's case come up after that?

Mr. WING. The boy's case came up a day or two, and he made it.

Chairman WALSH. He was admitted?

Mr. WING. Yes.

Chairman WALSH. Did you have anything to do with any other person connected with the immigration department?

Mr. WING. Not a bit; not at all.

Chairman WALSH. Didn't you see Mr. Monroe?

Mr. WING. No; I haven't seen Mr. Monroe.

Chairman WALSH. He never spoke to you about that case?

Mr. WING. No.

Chairman WALSH. You say you never paid him something at some other time?

Mr. WING. No; that was in other case.

Chairman WALSH. What case was that?

Mr. WING. One more case. That is case of the—this case here, \$200, two different times, one each time, \$100.

Chairman WALSH. Each time \$100?

Mr. BUSIEK. Two boys, two sons.

Mr. WING. Two boys.

Mr. BUSIEK. Came in at different times.

Chairman WALSH. When did you give the next \$100?

Mr. WING. Next hundred, that is on the other store, the Pacific Coast Dry Goods Co., 1428 Third Avenue, over here.

Chairman WALSH. Now, what was that \$100 for?

Mr. WING. The same thing, the same story.

Chairman WALSH. The same boy?

Mr. WING. No; other man.

Chairman WALSH. This man had a son coming over here?

Mr. WING. His son is here.

Chairman WALSH. How long were you here—what did Tape say to you at that time?

Mr. WING. Tape said, told the same thing, want to scare us, scare the father, and so his father gave me money, I guess more like grafter.

Chairman WALSH. Did he give the money direct to this man Tape?

Mr. WING. No; the man simply give to me; he come to my store because I am manager of that place.

Chairman WALSH. Did you see the boy's father when you paid the money over?

Mr. WING. No.

Chairman WALSH. How much was it?

Mr. WING. One hundred dollars.

Chairman WALSH. And when was that?

Mr. WING. That is in September, on the last part of September or October; I have forgot which.

Chairman WALSH. Of what year?

Mr. WING. Of 1911.

Chairman WALSH. Of 1911?

Mr. WING. Yes.

Chairman WALSH. When did you first tell anyone about the payment of this money?

Mr. WING. I have never told anyone.

Chairman WALSH. Didn't you tell Mr. Bonham?

Mr. WING. Yes; I told Mr. Bonham.

Chairman WALSH. Is he the first one?

Mr. WING. First man, yes.

Chairman WALSH. Have you ever at any time talked with Tape about the \$100 since?

Mr. WING. No; never anything to do with him. So, finally after that I found out myself; I know better than that, so I don't want to bother with him, and I know we have a right, business men have to pay no money to anyone, so I found out myself; I got more experience. So I have nothing to do with him.

Commissioner LENNON. Have you ever heard of any other merchants paying him any money?

Mr. WING. I heard lots of it; all grafter; I heard of lots of down-town Chinese, but I don't go down town much.

Mr. BUSIEK. What was the name of the boy that you paid the first \$100 for?

Mr. WING. Ben King.

Mr. BUSIEK. Ben King?

Mr. WING. Yes.

Mr. BUSIEK. And what is his father's name?

Mr. WING. Lew Tun.

Mr. BUSIEK. How do you spell that?

Mr. WING. L-e-w T-u-n.

Mr. BUSIEK. What was the name of the second boy?

Mr. WING. Second boy is Lee Gim Wing.

Mr. BUSIEK. The fathers, I believe, of these boys are bona fide merchants?

Mr. WING. Yes; all merchants.

Mr. BUSIEK. These were their sons?

Mr. WING. Their own sons, yes.

Mr. BUSIEK. That is all; thank you.

TESTIMONY OF MR. GEORGE NELSON.

Chairman WALSH. You do solemnly swear that the testimony you are about to give before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. NELSON. Yes.

(Mr. Nelson, the witness, was accompanied by William D. Downey, deputy United States marshal, in whose custody Mr. Nelson was, as a prisoner of the United States, Mr. Downey remaining in the room during the testimony.)

Mr. BUSIEK. I wish to tell the commission that Mr. Nelson has made a statement before the grand jury, and that any statement which Mr. Nelson makes before this commission will not be used against him by the district attorney's office, and that therefore, so far as Mr. Allen is concerned, he may make a frank and complete statement.

Please state your name in full.

Mr. NELSON. George Nelson.

Mr. BUSIEK. Please speak up so these gentlemen can hear you. You are now in jail in this city.

Mr. NELSON. King County; yes.

Mr. BUSIEK. King County Jail?

Mr. NELSON. Yes.

Mr. BUSIEK. Why are you there?

Mr. NELSON. Smuggling Chinamen from British Columbia across the border.

Mr. BUSIEK. How did you do that, Mr. Nelson?

Mr. NELSON. Why, I went and I got a letter from some certain Chinaman in Seattle here, took the letter to a certain number in Vancouver, and went and got the Chinaman from that party, and smuggled him down in the locomotive.

Mr. BUSIEK. How many Chinese did you smuggle that way?

Mr. NELSON. Well, I couldn't say exactly, but about 14 or 16 I should imagine.

Mr. BUSIEK. What was your business?

Mr. NELSON. Fireman on the Great Northern.

Mr. BUSIEK. Fireman for the Great Northern?

Mr. NELSON. Yes.

Mr. BUSIEK. How would you smuggle them across in the locomotive?

Mr. NELSON. Put them in the tool box in the tender of the engine.

Mr. BUSIEK. And through what border towns does the Northern Pacific run?

Mr. NELSON. Great Northern, it is.

Mr. BUSIEK. Or the Great Northern.

Mr. NELSON. Blaine.

Mr. BUSIEK. Who is the inspector up at Blaine?

Mr. NELSON. Why, there are several inspectors there. I have forgotten their names. I have even forgotten the man's name that found the Chinaman.

Mr. BUSIEK. Forgotten the man's name that did what?

Mr. NELSON. That found the Chinaman the day I was caught.

Mr. BUSIEK. Was he a Government inspector?

Mr. NELSON. Government inspector.

Mr. BUSIEK. From the Blaine office?

Mr. NELSON. Blaine office?

Mr. BUSIEK. And you say you put the Chinese in the tool box and then in the tender?

Mr. NELSON. On the tender; yes.

Mr. BUSIEK. On the tender?

Mr. NELSON. Yes.

Mr. BUSIEK. All right. Go ahead.

Mr. NELSON. There is a big wooden box running the width of the tender. We used it for chains and jacks and such things as that. There is room for two men in it, in the box, at one time.

Mr. BUSIEK. How often would these inspectors look into your tool box—into this box on the tender?

Mr. NELSON. About once every two months.

Mr. BUSIEK. And would they make a thorough examination at those times?

Mr. NELSON. No. When they did look, they might look into the sand box, look into the tool box on the tender, merely give it a glance, that would be all.

Mr. BUSIEK. Has that practice been generally carried on by the railroaders?

Mr. NELSON. I believe so.

Mr. BUSIEK. And how much is paid per head for these Chinese that are smuggled across?

Mr. NELSON. From \$125 to \$150 per head.

Mr. BUSIEK. Now, you say you got an address from—there is a certain party here in Seattle that gave you the address of some one where?

Mr. NELSON. Some one here in Seattle always gave me a letter just to take to Vancouver to a certain place, and then I would get the Chinaman and turn him over—he was turned over to me in Vancouver in the evening.

Mr. BUSIEK. And you would take them down to the railroad yards or to the roundhouse?

Mr. NELSON. And put them in the box.

Mr. BUSIEK. Now, did employees around the roundhouse see that or know that was going on?

Mr. NELSON. No; up there there are only about two or three men working at nights, and they generally sleep because there isn't much to do there, especially in the morning—1, 2, or 3 o'clock in the morning.

Mr. BUSIEK. Were you pulling a freight?

Mr. NELSON. No; firing a passenger run.

Mr. BUSIEK. Do you mind giving the commission the names of the people here in Seattle who were engaged in that?

Mr. NELSON. Why, I was in with a fellow by the name of Clifford Joslin (Johnson).

Chairman WALSH. A fireman?

Mr. NELSON. A fireman of the Great Northern, runs a hotel near Interbay, and a fellow by the name of Price, he is—I forget his first name—he is manager in that hotel on account of the fact that Mr. Joslin (Johnson) is on the road quite often. Joslin (Johnson) came to me; I was out of work seven months and a half, six; and when I did start to work there I was quite a bit in debt; so he asked me if I had any objection to taking down some Chinamen for him. I said all right, I would take them down. So he gave me a letter to a party in Vancouver, 26 Canton. I went up there and I got a Chinaman from this party and brought him.

Chairman WALSH. How many?

Mr. NELSON. Two.

Chairman WALSH. Who was this party up in Vancouver?

Mr. NELSON. Why, I have forgotten the man's name.

Chairman WALSH. You mean you have forgotten it for to-day? Have you given it to the district attorney?

Mr. NELSON. I believe the district attorney has got that from a man in Vancouver. I have forgot what his name is. I found out what the man's name is from—he is a Chinaman that runs the store——

Commissioner O'CONNELL. Do you know where the store is?

Mr. NELSON. Yes; 26 Canton Street.

Mr. BUSIEK. Did these people ever tell about how many other men they had bringing Chinese over?

Mr. NELSON. No—beg pardon.

Mr. BUSIEK. Did Mr. Price or Mr. Johnson or this Chinaman up in Vancouver ever tell you about anyone else bringing Chinamen over for them?

Mr. NELSON. No.

Mr. BUSIEK. Did they make any remark about bringing Chinese over by boat?

Mr. NELSON. No; not by boat.

Mr. BUSIEK. Did they say that they had been engaged in this work before?

Mr. NELSON. Well, they hinted at that; they had been in the opium game before.

Mr. BUSIEK. Where did you deliver these Chinese?

Mr. NELSON. I would take them to Interbay, and then they would come after them at Interbay.

Chairman WALSH. Take them where?

Mr. NELSON. To Interbay, the roundhouse of the Great Northern.

Chairman WALSH. Who would come after them?

Mr. NELSON. The Chinamen or whoever they were supposed to be delivered to. We left Joslin (Johnson) and Price handle that up there. I had nothing to do with that.

Chairman WALSH. Who was it handed you the money?

Mr. NELSON. I didn't get any, because they never paid me.

Mr. BUSIEK. They were to pay you \$125?

Mr. NELSON. One hundred and twenty-five dollars apiece.

Mr. BUSIEK. You brought over about 14 or 16?

Mr. NELSON. Yes; but not for them people, though.

Mr. BUSIEK. Whom did you bring over the others for?

Mr. NELSON. Well, I brought them over for a certain Chinaman in this town.

Mr. BUSIEK. What is his name?

Mr. NELSON. It is a certain party down here in Washington street.

Mr. BUSIEK. Who is he? Just give the commission his name. The commission wants to get at the bottom of this.

Mr. NELSON. I believe his name is Sing; he is called Sing, Charlie Sing.

Mr. BUSIEK. What is his address?

Mr. NELSON. I have forgot his address.

Mr. BUSIEK. What store is he in?

Mr. NELSON. It is underneath the Union Hotel, at Third and Washington.

Mr. BUSIEK. Underneath the Union Hotel, at Third and Washington?

Mr. NELSON. Third and Washington.

Mr. BUSIEK. What business is he in; what kind of a place does he pretend to run?

Mr. NELSON. Chinese merchandise store.

Mr. BUSIEK. Where did you get those Chinamen?

Mr. NELSON. The same place, Vancouver.

Mr. BUSIEK. Did this fellow Sing pay you?

Mr. NELSON. He paid me; yes, sir.

Mr. BUSIEK. How much?

Mr. NELSON. One hundred and fifty.

Mr. BUSIEK. And you brought over about 14 for him, you say?

Mr. NELSON. About a dozen. Him and a fellow from Bremerton was in together at that time, Sam—they called him Sam. He had a store in Seattle, or was manager of some laundry or something.

Mr. BUSIEK. And who was this fellow at Bremerton?

Mr. NELSON. From Bremerton, his name is Sam. That is the same party, but he had a store in town, but afterwards shifted to Bremerton.

Mr. BUSIEK. The same people up at Vancouver gave you these last ones you were caught with?

Mr. NELSON. Yes; it is a kind of an agency up there.

Mr. BUSIEK. Do you know Frank Tape?

Mr. NELSON. No, sir; I don't believe I ever met the gentleman.

Mr. BUSIEK. Have you ever heard of him?

Mr. NELSON. Yes, sir.

Mr. BUSIEK. Through whom did you hear of him?

Mr. NELSON. I heard of him through Harry Toy. He is serving a sentence in jail for white slavery.

Mr. BUSIEK. What did he tell you?

Mr. NELSON. He says, "When you go up to the trial you better have your own interpreter in case they are using the two Chinamen against you as witnesses, because," he says, "one interpreter is all right, a kind of fat fellow." I says, "What is his name?" He says, "Tape." He said, "He will do the right thing by you, but the other party," he says, "the chances are will testify too much in behalf of the Government," he says.

Mr. BUSIEK. Did these Chinese with whom you do business ever speak about Frank Tape?

Mr. NELSON. Never.

Chairman WALSH. What was said to you, if anything, about the inspector, the Government inspectors?

Mr. NELSON. Never said anything about the inspector.

Chairman WALSH. Did you ever meet any of the Government inspectors?

Mr. NELSON. Yes, I met several of them.

Chairman WALSH. While this was going on or afterwards?

Mr. NELSON. Yes, in the meantime, when this was going on.

Chairman WALSH. Where did you meet them?

Mr. NELSON. Well, I met them in Vancouver. As a rule they come up on one train and they get a few hours' leeway at Vancouver and then stop there and inspect the train that leaves Vancouver.

Chairman WALSH. Did they ever look into your engine?

Mr. NELSON. Very seldom, about once every two months.

Chairman WALSH. Did you ever have any talk with them?

Mr. NELSON. Yes, I talked with them a few times. They knew I was smuggling all right, I think.

Chairman WALSH. What makes you think they knew you were smuggling?

Mr. NELSON. Because they told me I was.

Chairman WALSH. Who were the inspectors?

Mr. NELSON. Frank Hughes is one, and then Beale.

Chairman WALSH. Who?

Mr. NELSON. Beale was on up here at that time, but I understand he was dismissed from the service later on.

Chairman WALSH. Beale?

Mr. NELSON. Beale; yes.

Chairman WALSH. What conversation, if any, did you have with Mr. Hughes about it?

Mr. NELSON. Why, Hughes says he knew I was smuggling, but he says as long as he didn't catch me at it, why he couldn't find anything, but he says if he caught me at it, of course, he would have to take me.

Chairman WALSH. Who did catch you?

Mr. NELSON. The immigration inspector up there. I forget what that man's name is. Mr. Downey, I believe, knows.

Chairman WALSH. How long had it been going on when you were caught?

Mr. NELSON. Oh, I had been smuggling for two years.

Chairman WALSH. Did you talk to any other inspector except this one which you have mentioned?

Mr. NELSON. No. That is, I have spoken to them, but merely "How do you do," something like that, speak about the weather, or something like that.

Chairman WALSH. Are you acquainted with Mr. Monroe?

Mr. NELSON. No.

Chairman WALSH. Never talked to him?

Mr. NELSON. I don't believe I have.

Chairman WALSH. I think that is all.

Mr. BUSIEK. Thank you, Mr. Nelson.

Chairman WALSH. Much obliged to you, Mr. Downey.

TESTIMONY OF MR. SEID GAIN OR BACK, JR.

Chairman WALSH. You do solemnly swear that the testimony which you are about to give at the hearing now pending before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GAIN. Yes, sir.

Chairman WALSH. Take that chair.

Mr. BUSIEK. Please state your name in full.

Mr. GAIN. Seid Gain, better known as Seid Back, jr., in Portland.

Chairman WALSH. Seid what?

Mr. GAIN. Seid Back, jr.

Mr. BUSIEK. What business are you in?

Mr. GAIN. Attorney at law by profession; Chinese merchant and contractor by trade.

Chairman WALSH. Are you a native of this country or a Chinaman?

Mr. GAIN. I am a native of this country, born in the city of Portland.

Mr. BUSIEK. Where did you receive your education, Mr. Gain?

Mr. GAIN. Principally in Portland, Oreg.

Mr. BUSIEK. And what schools did you attend there?

Mr. GAIN. I attended the—at first I had private tutors. Afterwards attended a military academy for two years. After that I attended the law department of the University of Oregon.

Mr. BUSIEK. Your father is a hop grower, I believe?

Mr. GAIN. He is a Chinese merchant principally. Lately he has engaged in the hop-raising business.

Mr. BUSIEK. Were you ever connected with the Immigration Department of this Government?

Mr. GAIN. Yes, sir; I was six and a half years in it.

Mr. BUSIEK. And where were you stationed during that time?

Mr. GAIN. For five years in Portland, and a year and a half traveling throughout the country as chief interpreter.

Mr. BUSIEK. And why did you sever your connection with the service, or how did that come about?

Mr. GAIN. It has been in my mind that, I think, I have touched on matters in connection with various interpreters that I believe were dishonest, and I was detailed—my principal detail originally was supposed to be that of an investigating officer instead of an interpreter. Nevertheless I was detailed up to Sumas, Wash. There I was put for several months. I was so disgusted, that I just left voluntarily.

Mr. BUSIEK. Resigned?

Mr. GAIN. Resigned.

Mr. BUSIEK. During the time that you were making investigations of other officers, whom did you investigate?

Mr. GAIN. My first case was that of Frank Tape.

Mr. BUSIEK. What kind of a report did you turn in on Frank Tape?

Mr. GAIN. He was charged with extortion and blackmailing. The charges were brought in St. Louis.

Chairman WALSH. When was that?

Mr. GAIN. That was in 1907.

Mr. BUSIEK. They were preferred by whom?

Mr. GAIN. The Secretary, Mr. Straus. That was my first case assigned to me.

Mr. BUSIEK. What finding did you make?

Mr. GAIN. In that particular case it was so fixed up that I reported favorably; that is, I reported that the charges in that particular case were gotten up as a scheme against Frank Tape.

Commissioner O'CONNELL. He says he was so fixed up. Why?

Mr. BUSIEK. You say it was so fixed up. Explain that to the commission.

Mr. GAIN. There were two or three Chinese combined themselves and brought these charges, but the statements were so ridiculous that I reported that those charges were concocted.

Mr. BUSIEK. Did you make any further investigation of Tape?

Mr. GAIN. Yes, sir.

Mr. BUSIEK. Tell us about that.

Mr. GAIN. I have known Frank Tape years before that, and I have always heard that he was very dishonest. In the first place he went to the St. Louis fair in 1903 as an interpreter for the Chinese concession, and somehow he got into the Immigration Service. So while I was told to investigate his character and integrity, reports came to me from different sources that he was extorting money from several Chinese there who were unlawfully in the country. Statements by these people were given me, and notes were taken by a stenographer I employed, but coming down to signing these statements these people refused to do so. So for my own protection, naturally, I could not—I would not have been able to substantiate the statements. However, I believe I still have those notes and copies made from them.

Mr. BUSIEK. Did you ever take the matter up with Tape and he agreed to resign?

Mr. GAIN. Yes, sir; in 1908, I believe it was, I was told to examine him as to his competency as a Chinese interpreter, he knowing that he was incompetent, that the best way to get out of it would be to resign. Taking him to be a man of his word, I reported to the bureau that I saw no reason at that time to investigate his competency, and that I would drop the matter. Subsequently, after I left the service, somehow he got back in the service.

Chairman WALSH. When was that?

Mr. GAIN. That was in 1908—no; 1907.

Chairman WALSH. Are you acquainted with Mr. Taylor?

Mr. GAIN. No, sir; I am not. I have heard of him, but I never had the pleasure of meeting him.

Mr. BUSIEK. Did you ever work with Harry Etzold?

Mr. GAIN. Yes, sir.

Mr. BUSIEK. Where?

Mr. GAIN. At the port of Sumas, where I stated a little while ago.

Mr. BUSIEK. Did Etzold get into any trouble up at Sumas?

Mr. GAIN. Yes, sir. I think it was after I left the service that there was a report in the newspapers that he smuggled some cloth over from Canada, and in that article it gave the news that he was hung in effigy.

Mr. BUSIEK. By whom?

Mr. GAIN. By the citizens of Sumas.

Mr. BUSIEK. Where is Harry Etzold now?

Mr. GAIN. He is assistant commissioner of Immigration Service, stationed at San Francisco.

Mr. BUSIEK. Do you know a Chinese interpreter by the name of Chin Hing?

Mr. GAIN. Henry Chin Hing; yes, sir; I do.

Mr. BUSIEK. Where is he stationed, do you know?

Mr. GAIN. Up to recently he was at British Columbia, at Vancouver; but I know he is down at Seattle now.

Mr. BUSIEK.—That is the fact. I will state for the information of the commission that he has just been detailed here to take Frank Tape's place.

What is Chin Hing's reputation as an interpreter among the Chinese?

Mr. GAIN. At the time of my investigation of his ability I found that he was somewhat—not fully capable of holding that position. However, he ex-

plained that he was associating with American people, so that he somewhat forgot his Chinese language. When I was examining him he was in a college town by the name of Jefferson City, Tenn., and I could not find very much of his record; but I was told by Mr. W. H. Baker, a clerk of the Treasury Department in Washington, that he would give me assurance that Henry Ching Hing's character was good. On that recommendation, I think, I made a favorable report on his application.

Mr. BUSIEK. What is his reputation now among the Chinese?

Mr. GAIN. I have since learned that he has been very harsh in examining—in interpreting for the applicants. He would make threats; he would use harsh words; that will naturally scare a newcomer somewhat.

Mr. BUSIEK. Is it a fact he also has a reputation of taking money, just like Frank Tape?

Mr. GAIN. That is what I have heard.

Mr. BUSIEK. Is that his general reputation or do you just hear rumors?

Mr. GAIN. That is his general reputation.

Chairman WALSH. Who is it sends them here?

Mr. BUSIEK. Why, Taylor. Taylor just wired White that he had wired Henry Ching Hing that he was assigned to this office vice Tape.

Do you know a Chinese interpreter who goes by the name of Dr. Gardner?

Mr. GAIN. Yes, sir.

Mr. BUSIEK. Where is he located?

Mr. GAIN. Dr. John Gardner is stationed at San Francisco. He acted more as inspector than as interpreter while I was there.

Mr. BUSIEK. What is his reputation—his general reputation?

Mr. GAIN. His general reputation is very bad; known to be the slickest crook ever existing.

Mr. BUSIEK. Did you ever make an investigation of Dr. Gardner?

Mr. GAIN. No, sir. I wish I had authority, but I was only examining the interpreters, so that I did not touch upon his official position.

Mr. BUSIEK. Did you have any information as to Gardner and Etzold owning property in common?

Mr. GAIN. Yes, sir. Friends told me that. I would like to say in this connection that just before he entered the Government service, which was about 10 years ago, I should judge, he came from Victoria, British Columbia, borrowing his passage money. He at that time was some sort of preacher. Now, I understand, he is worth at least \$300,000.

Mr. BUSIEK. I believe that is all I want to ask.

Chairman WALSH. That is all.

Commissioner LENNON. What is your business now, did you state?

Mr. GAIN. Yes, sir; I am with my father engaged in general Chinese merchandise business.

Commissioner LENNON. Here in Seattle?

Mr. GAIN. In Portland.

Commissioner LENNON. That is all.

Mr. GAIN. May I add something?

Chairman WALSH. Yes; certainly.

Mr. GAIN. I might just as well. While I was acting as interpreter at large there was a commission authorized known as the immigration commission, the head of which was Prof. Jinks. Several of the applicants I reported adversely were appointed by that commission. I desire to call your attention to one particular instance which was sustained; that was the case of Holin Shak. He originally was a Portland man; that is where I knew him full well. He was a heavy opium smoker. While I was investigating his case he was at Los Angeles. I found him one day in a gambling house playing the Chinese fan-tan game. I reported that fact to the bureau, and I still have a copy of my report. I might say here that all my reports to the bureau I kept the carbon copy. Somehow he was appointed.

Chairman WALSH. What was his name?

Mr. GAIN. Holin Shak, and he was killed recently in St. Louis. So I submit these facts for your consideration.

Commissioner O'CONNELL. Let me ask you this, do you know a man by the name of Lola?

Mr. GAIN. No, sir; I do not.

Mr. BUSIEK. Or Garland or Otis or Gray?

Mr. GAIN. No, sir; I do not.

Commissioner O'CONNELL. Do you know the man that made the investigation for the commission?

Mr. GAIN. No, sir; I don't. Charlie Key——

Mr. BUSIEK. Do you know the man Charlie Key worked for?

Mr. GAIN. No, sir; I don't recall, but Key himself did not bear a very good reputation.

Mr. BUSIEK. He was killed in Seattle?

Mr. GAIN. Yes, sir.

Mr. BUSIEK. Last year?

Mr. GAIN. Yes, sir.

Commissioner LENNON. Are there any Chinese societies in Seattle?

Mr. GAIN. Yes, sir; some Chinese societies here, on the coast here.

Commissioner LENNON. Are part of the things we see in the papers from time to time about what we call the Highbinders—is there any truth in what we see in the newspapers about such societies?

Mr. GAIN. Yes, sir.

Commissioner LENNON. Lawbreakers?

Mr. GAIN. I would hardly say that. There are two different kinds of tongs or societies. One is formed lawfully for the protection of their own clansmen. In other words, a beneficial association among the clans. Chinese are very clannish. The other is formed principally by gamblers or men that live off of the earnings of women; those societies naturally are unlawful.

Commissioner LENNON. Is there a constant antagonism between these societies?

Mr. GAIN. Not lately. Chinese usually settle their disputes among themselves. If they can't settle them peacefully they like to fight it out.

Mr. BUSIEK. There has been a peace agreement signed recently between the two tongs, has there not?

Mr. GAIN. Yes; peace societies have been formed throughout the United States and many tong wars have been averted.

Commissioner LENNON. What do you know or what do you believe as to the number of Chinamen in the United States who are here contrary to the law? What per cent of them do you believe are here contrary to the law?

Mr. GAIN. I suppose about 10 per cent.

Commissioner LENNON. How many Chinese are there in Washington—the State of Washington?

Mr. GAIN. In the State of Washington there could not be more than 500—no; I would say more than that. Throughout the United States I think there are about 50,000 now.

Commissioner LENNON. The testimony in some places shows that the number of Chinese in certain cities is increasing; is that true of Portland and Seattle?

Mr. GAIN. No, sir. We are in the contracting business, and we have been having trouble in getting Chinese labor to fulfill our contracts.

Commissioner LENNON. That is all.

Chairman WALSH. That is all. Thank you.

(The members of the commission conferred together.)

Chairman WALSH. Well, I guess we will stand adjourned to meet in Portland at 10 o'clock day after to-morrow morning.

(Whereupon, at 4 o'clock p. m. of this Tuesday, August 18, 1914, the executive session of the commission was closed, and an adjournment was taken to meet in the city of Portland, Oreg., on Thursday, August 20, 1914, at the hour of 10 o'clock a. m.)

(The hearing in Portland, Oreg., was on the subject of general industrial conditions and relations in Portland and will be found in a previous part of this work.)

SAN FRANCISCO, CAL., *Friday, September 4, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Weinstock, Garretson, Lennon, O'Connell, and Commons. W. O. Thompson, counsel; E. H. Busiek, examining counsel.

Chairman WALSH. We will now go into executive session. Mr. Busiek, did you have some matter that you wanted to bring up?

Mr. BUSIEK. Mr. Hayes.

TESTIMONY OF MR. J. P. HAYES.

Mr. BUSIEK. Please state your name in full.

Mr. HAYES. J. P. Hayes.

Mr. BUSIEK. You are manager of the Western Union Telegraph Co. here?

Mr. HAYES. Chief clerk.

Mr. BUSIEK. Chief clerk.

Mr. HAYES. Yes, sir.

Mr. BUSIEK. You were served with a subpoena to produce a certain telegram from R. H. Taylor to Frank H. Tape, transmitted from Buffalo, N. Y., June 4, 1914. Have you that telegram in your possession?

Mr. HAYES. I have a copy of it, sir.

Mr. BUSIEK. Will you produce that copy?

Mr. HAYES. If the commission please, I submit that the telegraph company should not be required to produce this message, inasmuch as a telegram is considered a privileged communication.

Chairman WALSH. This commission is appointed by the Congress of the United States and is given by statute full power to compel the introduction of documents of that character. Let a formal order be made upon the Western Union Telegraph Co. that this telegram be produced at this hearing.

Mr. BUSIEK. I will ask that this copy be marked as an exhibit.

(The telegram reads as follows:)

BUFFALO, N. Y., June 4, 1914.

FRANK H. TAPE,

1618 Thirty-fourth Street, Seattle, Wash.

Insist on statement in writing giving reasons for request your financial standing and defer replying until you hear from me regarding particulars written me. Write me what down-town office is used for.

TAYLOR.

(Rubber stamped:) Duplicate of telephoned telegram.

Mr. BUSIEK. That is all. Thank you, Mr. Hayes.

Mr. HAYES. I will get a copy of that, will I—of that order?

Mr. BUSIEK. Yes.

Chairman WALSH. Where is the original?

Mr. BUSIEK. The original is in Buffalo, N. Y.

Chairman WALSH. Oh, yes.

Mr. BUSIEK. Mr. Coggins, please take the stand.

TESTIMONY OF MR. J. P. COGGINS.

Mr. BUSIEK. Your name in full, please.

Mr. COGGINS. J. P. Coggins.

Mr. BUSIEK. What position do you occupy with the Postal Telegraph Co.?

Mr. COGGINS. Manager.

Mr. BUSIEK. And have you in your possession a copy of a telegram purporting to have been sent by one Frank Chew to Seattle, Wash., to R. H. Taylor, Buffalo, N. Y., under date of June 3, 1914?

Mr. COGGINS. I have.

Mr. BUSIEK. Will you produce that copy?

Mr. COGGINS. On the order of the court.

Mr. BUSIEK. I ask for a ruling.

Chairman WALSH. The same ruling will be made in the case of the production of this telegram as was made in the one introduced by the preceding witness.

Mr. BUSIEK. I ask that this copy be marked as an exhibit and introduced in evidence.

(The telegram reads as follows:)

SEATTLE, WASH., June 3, 1914.

R. H. TAYLOR,

Castle Inn, Buffalo, N. Y.:

Boss request written statement my financial standing, monthly income, what house cost, and machine. Wife refused make statement as to income; personal reasons. Charge me with grafting. I have no fear; asked for investigation myself. The questions are personal. Shall I stand pat and not tell? I have

interest in canneries with Chinese—shall I disclose it—which brings good income? Will do as you say. Have written full particulars.

FRED CHEW.

Mr. BUSIEK. That is all.

Mr. Taylor.

TESTIMONY OF MR. RICHARD H. TAYLOR.

Mr. BUSIEK. Take the stand, Mr. Taylor, please.

Chairman WALSH. Be sworn, please, Mr. Taylor. You solemnly swear that the testimony which you are about to give in the hearing now pending before this commission, being the investigation into the alleged smuggling of Asiatics into the United States, shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TAYLOR. I do.

Mr. BUSIEK. Your name in full.

Mr. TAYLOR. Richard H. Taylor.

Mr. BUSIEK. What position do you occupy?

Mr. TAYLOR. Inspector, United States Immigration Service.

Mr. BUSIEK. Is that a civil-service position?

Mr. TAYLOR. It is excepted. I was appointed under an Executive order.

Mr. BUSIEK. When?

Mr. TAYLOR. In 1907.

Mr. BUSIEK. By whom?

Mr. TAYLOR. President Roosevelt.

Mr. BUSIEK. Have you served continuously since?

Mr. TAYLOR. Why, I will explain just how I entered the service, and that will make it probably shorter. In 1907 I was employed in the United States Secret Service, and at that time we made investigations for all departments, by assignment. I was requested in July, 1907, to make investigations for the Immigration Service. I was assigned for three months. That is a temporary appointment, which is the practice.

I was again reappointed at the expiration of three months. That led to a request for my permanent employment. And that was followed by an Executive order which gave them permission to employ me continuously. I remained in the service then for 1908. I was out for three months at the request of the War Department, investigating the Plaquemine Locks, La. I then went back into the Immigration Service, and in 1908, the latter part, I again went back to the Department of Justice to investigate the Oklahoma land frauds, the Gov. Haskell land frauds. That kept me out about three months. In the fall of 1910 I resigned from the Immigration Service, and at the request of the Chief of the Secret Service, took charge of the New York division of the Secret Service during the absence of the chief, who was made deputy chief police commissioner of New York.

Mr. BUSIEK. Mr. Flynn?

Mr. TAYLOR. Mr. Flynn. I remained in charge there until he resigned and came back.

Chairman WALSH. How long was that?

Mr. TAYLOR. That was about seven months. And when that work was finished the department requested my return, and I returned to the service and remained until the last election, when I resigned and went back to the Secret Service.

Chairman WALSH. Who requested your return at that time?

Mr. TAYLOR. The Commissioner General of Immigration, Mr. Keefe. I went back to the Secret Service at the last election, and went with Mr. Wilson from the time he was elected until he was inaugurated. And then on the 1st of July following I returned to the service, and have been with it ever since.

Chairman WALSH. How did you happen to return to the service, Mr. Taylor?

Mr. TAYLOR. At what time?

Chairman WALSH. This last return?

Mr. TAYLOR. At my own request.

Chairman WALSH. And by whom was the order made?

Mr. TAYLOR. For the return?

Chairman WALSH. Yes.

Mr. TAYLOR. There was no order made. Under the civil-service rules an employee is eligible for reinstatement any time within a year.

Chairman WALSH. And you applied for reinstatement, did you?

Mr. TAYLOR. I applied for reinstatement; yes, sir.

Chairman WALSH. And it was granted by the department?

Mr. TAYLOR. It was granted by the department.

Chairman WALSH. And you have remained—could you have remained in the Secret Service?

Mr. TAYLOR. At a smaller salary; yes, sir.

Chairman WALSH. At a smaller salary?

Mr. TAYLOR. At the salary I went over, I might have stayed with the Secret Service. The salaries are not the same as the Immigration Service.

Chairman WALSH. You get \$3,000 per year in the position you are in?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And did anyone have your place while you were gone?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you confer with anybody while you were gone as to the conduct of the affairs of the office?

Mr. TAYLOR. Any of the immigration officials?

Chairman WALSH. Yes.

Mr. TAYLOR. No; I was out of touch with the immigration officials.

Chairman WALSH. Entirely out of touch and out of touch with those that had been under you prior to that time, prior to the time you entered the Secret Service during the Wilson campaign?

Mr. TAYLOR. As far as I recollect it, I did not work at all for the service. I might state that we are not allowed to do work for any service where the compensation is fixed by the sundry civil bill, a bill that creates the appropriation for the Secret Service. There is a prohibitive clause in it.

Chairman WALSH. Now, what is the nature of the work that you have been chiefly engaged in since you have been connected with the Bureau of Immigration?

Mr. TAYLOR. Criminal and civil investigations of all kinds, conduct of officers, smuggling of aliens, handling of criminal cases, instructing officers as to criminal procedure, and work of that kind.

Commissioner GARRETSON. I would like to know right there, how many convictions have there been of members of the department during the period that you have been in the service, on information furnished?

Mr. TAYLOR. Well, now, Inspector in charge at Chicago, Mr. Davies, I investigated him and found that he was submitting false accounts. He was dismissed. The matter was submitted to the district attorney for criminal prosecution, and he decided that dismissal was sufficient punishment. He was an old man. It was in connection with taking deports from Chicago to New York.

Mr. BUSIEK. We do not care about the details of the case, Mr. Taylor; but have any immigration officers been convicted under the United States laws?

Mr. TAYLOR. Inspector in charge at Albuquerque, N. Mex. I convicted him for participating in Chinese smuggling, together with the conductor and brakeman of a train running from El Paso to Albuquerque.

Commissioner GARRETSON. That is Col. Green?

Mr. TAYLOR. Yes.

Commissioner GARRETSON. Right there I want to ask a question. All plead guilty, didn't they?

Mr. TAYLOR. Plead guilty; yes, sir.

Mr. BUSIEK. Mr. Taylor, just give the commission, tell the commission what offices—

Chairman WALSH. Please finish any convictions that were had; Green, of Albuquerque.

Mr. TAYLOR. Green, of Albuquerque, was one; was sent up for a year and a day, if I remember correctly.

Chairman WALSH. Was there any other?

Mr. TAYLOR. The Inspector in charge at Galveston I found engaged with the Chinese in smuggling. He was not convicted; dismissed from the service.

Chairman WALSH. Is that the one you mentioned first?

Mr. TAYLOR. No.

Chairman WALSH. What was the first one?

Mr. TAYLOR. The first one was Davies, Inspector in charge at Chicago.

Chairman WALSH. Then the Albuquerque case. What was the next one?

Mr. TAYLOR. Holman, Inspector in charge at Galveston, Tex.

Mr. BUSIEK. Any others?

Mr. TAYLOR. Inspector at—you want simply the investigations?

Mr. BUSIEK. No; the convictions.

Chairman WALSH. The conviction of any person.

Mr. TAYLOR. That is the only conviction of an officer.

Mr. BUSIEK. Now, tell the commission the men reported adversely by you and who are now disconnected from the service as the result of such reports?

Mr. TAYLOR. Well, the inspector in charge at Cleveland.

Mr. BUSIEK. Who is that?

Mr. TAYLOR. I can't call his name.

Mr. BUSIEK. Cullom?

Mr. TAYLOR. Cullom.

Mr. BUSIEK. Isn't it a fact that Cullom is now with the service?

Mr. TAYLOR. He was not at the time Davies took charge; in and out four times. Last time I left Buffalo he came in and bid me good-by and said he had quit forever.

Mr. BUSIEK. Had he quit or was he discharged?

Mr. TAYLOR. He resigned.

Mr. BUSIEK. He resigned?

Mr. TAYLOR. Yes.

Mr. BUSIEK. That was the cause of each severance from the service, that he resigned?

Mr. TAYLOR. Yes.

Mr. BUSIEK. And was then reinstated under the civil-service rule because he had severed his connection from the service without delinquency or misconduct. Isn't that true?

Mr. TAYLOR. That is true. We permitted him to resign and reinstated him under the regulations; we reduced him as the cause for his first resignation.

Mr. BUSIEK. What had he done?

Mr. TAYLOR. Why, excessive drinking.

Mr. BUSIEK. Wasn't it a fact also that he would go to Chinese and have them cash worthless checks?

Mr. TAYLOR. Yes.

Mr. BUSIEK. And that was reported by you, was it not, Mr. Taylor?

Mr. TAYLOR. Yes; that was reported by me—his general misconduct. If I remember correctly, he was making a Chinaman do his laundry for nothing.

Mr. BUSIEK. You reported adversely?

Mr. TAYLOR. Yes.

Mr. BUSIEK. And he was allowed to resign?

Mr. TAYLOR. Yes.

Mr. BUSIEK. Subsequently?

Mr. TAYLOR. Yes; he was allowed to resign. He was reduced and ordered transferred, if I remember correctly, to Detroit from \$2,520 to a lesser figure—I forgot what—and he resigned rather than to accept the transfer.

Mr. BUSIEK. And he resigned rather than accept transfer?

Mr. TAYLOR. Yes.

Mr. BUSIEK. And then later on and within a year he was reinstated in the service, certified by the department that the severance from the service had been without delinquency and misconduct, and he was reinstated in the service?

Mr. TAYLOR. I presume that would be the procedure.

Chairman WALSH. As a matter of fact he did have a rotten record, didn't he?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Did you have to make any recommendation with regard to him?

Mr. TAYLOR. If I remember correctly, I did not. There was some question at that time about any investigating officer making recommendations. That has been reversed periodically, and I do not know if it was in effect at that time or not.

Mr. BUSIEK. What other investigations of officers did you make that resulted in their severance from the service?

Mr. TAYLOR. The commissioner of immigration at New Orleans. I won't say positively that he has been dismissed, or what has happened, except what I have read in the papers since I left Washington, that he had been demoted and ordered transferred and resigned—was going to resign on the 1st of July, according to the newspaper article.

Mr. BUSIEK. Is that the usual procedure in the department, Mr. Taylor, that when a special investigator makes an adverse report on any officer, that he is given an opportunity to resign rather than be put out of the service?

Mr. TAYLOR. No, sir; that is not the rule. That is within the discretion of the department. We can simply make a recommendation—the Commissioner Gen-

eral makes a recommendation to the Secretary. The Secretary has absolute charge of all appointments, reductions, and transfers.

Mr. BUSIEK. If a man resigns the Secretary has nothing to do with that?

Mr. TAYLOR. If it comes through the Commissioner General, he either approves or disapproves of the resignation. If a man was under charges he probably would not permit him to resign until it was decided whether the charges were sufficient to warrant his dismissal.

Mr. BUSIEK. Are there any other officers now who, because of your activity or reports, have been demoted or taken out of the service, peremptorily discharged?

Mr. TAYLOR. Why, yes, sir; the inspector in charge at Los Angeles. In 1910 I investigated the southern district and found that he was absolutely incompetent and the affairs in the district were unsatisfactory.

Mr. BUSIEK. In what regard?

Mr. TAYLOR. What is that?

Mr. BUSIEK. In what regard were they unsatisfactory?

Mr. TAYLOR. Why, the way I put it, I thought the man was a little out of his mind.

Mr. BUSIEK. Who was that—Inspector Emke?

Mr. TAYLOR. No, sir; you mean Engleke?

Mr. BUSIEK. Inspector Engleke?

Mr. TAYLOR. No, sir; I had nothing to do with his dismissal. That was Ridgeway. He was inspector in charge at Los Angeles under Inspector Weddell, who took Engleke's place at San Antonio. Weddell was entirely in charge of the southern California district. I found Chinese smuggling operations were rampant. I went down in Mexico and came up through with them, and took a Chinese with me, and we immediately started getting the smugglers and I made the recommendation as I found them in that district.

Chairman WALSH. You did what?

Mr. TAYLOR. Made a report of conditions just as they were found, and then the district was put under charge of the supervising inspector, Capt. Connell being put in charge of the entire southern California district, and Ridgeway was demoted to \$1,380, I think it was, and resigned.

Mr. BUSIEK. Up to that time southern California had been in the San Francisco district, had it not?

Mr. TAYLOR. No, sir; it was in the San Francisco district up to the time that the Immigration Commission made an investigation, and it was then taken away and a man named Weddell was put in charge of southern California. It was a separate district, and in July, on my recommendation, the bureau put it under the supervising inspector at El Paso.

Mr. BUSIEK. And southern California, or all of California up to about 75 miles south of San Francisco, is under the El Paso jurisdiction now, is it not?

Mr. TAYLOR. Under the El Paso jurisdiction, with subheadquarters at Los Angeles.

Mr. BUSIEK. And the northern portion of this district is 1,300 miles by rail from El Paso, is it not?

Mr. TAYLOR. About that.

Mr. BUSIEK. Did you ever investigate the southern California district; that is, prior to this Immigration Commission?

Mr. TAYLOR. Why, that is just about the time that I made an investigation.

I was then working for the Secret Service, and I made an investigation. About that time, if I remember correctly, reports were circulated that smugglers were operating there. I took up the work and I found there was a man working under the name of Garland, whose right name was Greenhall, a man whose record we had, and found it was very bad. It subsequently developed he was in the employ of the Immigration Commission, and that the acts he was committing were presumably for the purpose of getting evidence.

Mr. BUSIEK. Did you investigate John Canfield, and a man named Agard and Engleke at that time?

Mr. TAYLOR. I investigated Agard, in connection with Garland, and found he was working with Garland, and so reported. Engleke I did not investigate, except as to the Chinese smuggling at that time, which did not amount to very much. There were about 10 or 12 Chinese coming to Ensenano—that is, our distributing point. When they come to Ensenano we are satisfied they are en route to the United States. They were catching a reasonable number of those Chinese and smugglers.

After the district was changed I paid no further attention to it other than to get reports of Chinese coming to Ensenano. I found frequently they were coming in large numbers. That resulted in my then taking up the investigation in Mexico. I took an interpreter and went to Mazatlan and put him in with the smugglers, came up on the boat with them, and he stayed for two weeks in Ensenano with the smugglers, and in that way found out what was going on, which was the start of the break-up.

Mr. BUSIEK. Did you investigate Canfield?

Mr. TAYLOR. Canfield? I think not.

Mr. BUSIEK. Just search your memory, Mr. Taylor. Isn't it a fact that you did report that Canfield was not involved in smuggling according to your best judgment?

Mr. TAYLOR. Oh, yes; indeed, I did. He was working with me.

Mr. BUSIEK. And it subsequently transpired that Canfield was one of the ringleaders of smuggling operations?

Mr. TAYLOR. No, sir; it subsequently transpired that I got the smugglers that brought the Chinese over that Canfield was charged with assisting. Or, in other words, I believe the charge was that he was having them brought over for the purpose of catching them to make a record.

Mr. BUSIEK. Are you sure about that, now, Mr. Taylor, that that was what he was charged with?

Mr. TAYLOR. Well, that is my recollection. I know that was the charge at the time this man was working for the commission. He stated that in fact he tried to get a man to sign an affidavit to that effect, that he was paid to bring Chinese over for—so Canfield could catch them.

Mr. BUSIEK. Well, have you ever looked into the record of Canfield to see what were the actual charges and what he was finally found guilty of?

Mr. TAYLOR. No; I can't say that I have.

Mr. BUSIEK. Have you never heard that he was found guilty of active participation both in doing the work and in sharing the proceeds?

Mr. TAYLOR. No, sir; I haven't.

Mr. BUSIEK. Of the smuggling.

Mr. TAYLOR. No, sir.

Mr. BUSIEK. You haven't learned that yet?

Mr. TAYLOR. No, sir.

Chairman WALSH. This is the first information you have received, is it?

Mr. TAYLOR. That he was actually charged with bringing them over?

Mr. BUSIEK. Assisting in bringing them over, and found guilty?

Mr. TAYLOR. He was found guilty by the commission.

Mr. BUSIEK. And because of the findings made by the commission on their recommendation he was dropped from the service?

Mr. TAYLOR. He was dismissed; yes.

Chairman WALSH. But you still don't believe he was guilty?

Mr. TAYLOR. No, sir; I don't. Because the smugglers stated to me—and their confessions are on record in the bureau.

Chairman WALSH. Did the commission that investigated that have those confessions that you received?

Mr. TAYLOR. I presume so; they were sent in the regular way.

Mr. BUSIEK. Mr. Taylor, you have devoted a great deal of time to investigating offices throughout the country, have you not?

Mr. TAYLOR. Yes, sir.

Mr. BUSIEK. Recommending betterments and changes, investigating the officers and reporting back to Washington confidentially as to their ability, and so on?

Mr. TAYLOR. Yes, sir.

Mr. BUSIEK. It was on your recommendation that more territory was given the El Paso office?

Mr. TAYLOR. Yes, sir. Southern California.

Mr. BUSIEK. That is a reflection, is it not, upon the administration of affairs by the San Francisco office?

Mr. TAYLOR. I would not say that it is a reflection. It was done for the best interests of the service, for the reason that most of that territory has to be watched for contraband Chinese, Chinese that have been smuggled across from Mexico. The work is so closely interwoven that it can be better handled by officers in southern California, because otherwise the work would interlap. I recommended that the southern California district, administrative district, conform to the judicial district, so that a man arrested in one administrative

district would not have to be tried in another judicial district, and for the further purpose that the inspector in charge of southern California is the best investigating officer in the service.

Mr. BUSIEK. Who is that?

Mr. TAYLOR. Capt. Connell. He is an old peace officer, and since he has been in charge, as evidence of his work, he has sent out of that district 1,400 contraband Chinese and has mowed down at least three or four crops of smugglers, and also has captured or put out of commission 12 smuggling crafts, launches, and so on.

Mr. BUSIEK. Couldn't he work to better advantage with the San Francisco district, Mr. Taylor, in so far as the chief smuggling in the San Francisco district would be by water, and El Paso is away inland, and many of the boats come up as far as San Francisco, do they not, with smuggled Chinese?

Mr. TAYLOR. Why, they have in the past. The only information that we have—the last information that we have was that a load was coming up here, but what became of them we don't know.

Mr. BUSIEK. How long ago was that?

Mr. TAYLOR. On the 20th—on the 18th of July a boat left Pointe Grande with Chinese on board. It is a boat that changed the name of some other boat to the boat *New Orleans*. The inspector in charge at San Diego wired the commission here. I have a man in charge of smuggling in Monterey, but they were afraid they might miss him, so they wired both places. Now, that wire was sent on the 18th of July. On the 20th of July all the papers in this section published the information, published the name of the boat, and we have heard nothing further from it.

Mr. BUSIEK. How did that information leak out?

Mr. TAYLOR. I don't know. It does every time. Therefore I have given instructions not to send information of that kind until I can make arrangements to have some particular person have the handling of information in the northern district.

Mr. BUSIEK. Have you suffered in the past from too much publicity—advance publicity?

Mr. TAYLOR. Yes, sir; it has occurred practically every time. Now, in justice to the officers here, they say that they give this information to the Revenue-Cutter Service, and are therefore not responsible for what becomes of it. It is rather discouraging, however, to see information of that kind published the second day after it is sent out, especially when men have worked 10 or 15 days and nights watching for it, and then have it go up in that way.

Mr. BUSIEK. What, in your judgment, Mr. Taylor, is the extent of the smuggling operations around this coast?

Mr. TAYLOR. The California coast?

Mr. BUSIEK. Yes.

Mr. TAYLOR. Up until, well, during the past fiscal year we had 83 cases of smuggling, and we sent out 700 contrabands. That was larger than usual, for the reason that the Pacific Mail and the Japanese lines brought a large number of transients and took them to Mazatlan, put them right across the line, and they came back in large numbers.

Mr. BUSIEK. Wasn't it also due to the fact that during the disturbance down in Mexico many of the resident Chinese wanted to get back to China and just crossed the border into the hands of the officers, so that they would be deported free?

Mr. TAYLOR. No. We stopped that some years ago—probably four years ago. We were sending Chinese back to China whenever they wanted to go. I happened to be in Tucson when we had 45 that we were then sending, took them all before the United States commissioner to send them back to China.

I wired for authority to take them on departmental warrants, each having admitted having come from Mexico. I wired for authority to take them on departmental warrants. When we got a sufficient number we sent them to Mazatlan, Mexico. We held them in detention at Tucson until, I think, we had probably 30, but without their knowing what we were going to do. We sent them all back on the Secretary's warrant to Mazatlan, and that put a stop to them coming over simply for the purpose of having their passage paid to China. There isn't really Chinese smuggling along the Mexican border to amount to anything.

Mr. BUSIEK. In speaking of the town of Ensenano, about what is the Chinese population of that town?

Mr. TAYLOR. There is a floating population there of from two to three hundred. The permanent population would not exceed, the last time I was there, which was probably four years ago—would not exceed 200. They don't stay there very long. They know that we are watching them in Ensenano, and therefore they keep them there. They have to keep them under cover for fear we will recognize them if they are subsequently arrested. They are gotten out as quickly as possible after they come into Ensenano.

Mr. BUSIEK. They are there for but one purpose; that is, to be smuggled into the United States?

Mr. TAYLOR. That is all the purpose.

Mr. BUSIEK. You say that there is a floating population of about 300 Chinese there constantly?

Mr. TAYLOR. Yes.

Mr. BUSIEK. How long do they stay on an average in the town?

Mr. TAYLOR. Why, I should say about two weeks.

Mr. BUSIEK. Two weeks?

Mr. TAYLOR. Yes. The last time I was there—that is probably four years ago—that was the case, and I presume the same methods are followed out.

Mr. BUSIEK. That would make about 25 shifts of 300 each in the course of a year?

Mr. TAYLOR. Well, easily. They were coming out when I made this last recommendation. I think it is one month that we had probably close onto 200.

Mr. BUSIEK. That is, that you caught?

Mr. TAYLOR. No; that we didn't catch.

Mr. BUSIEK. Oh, that you didn't catch.

Mr. TAYLOR. They were not catching them then; that is, between the time it was made a separate district and the time it was put onto the El Paso district.

Mr. BUSIEK. How did you catch most of those—coming across the border or coming up in a boat?

Mr. TAYLOR. The first we started when this man I left in Ensenano reported that they were walking over at that time. I stationed men along the roads, up the trails up in the mountains day and night. Probably the first—well, within two weeks—within a week we caught the first outfit walking. They walked up the Tecule way and down over the trails. It was reported by my man in Ensenano, and that smuggler was killed. One of the smugglers in that case opened fire on the officers, and one of our officers killed him.

Within about a week afterwards the second outfit arrived there, which was under way, and they had the same trouble, but they did fire on our officers, and the fire was returned, and our officer who was going to kill him didn't, because of having killed one the week before, and he decided not to. We subsequently got him, sent him up for assault and attempt to commit murder.

Mr. BUSIEK. What officer was that?

Mr. TAYLOR. Conklin. They then started their boat smuggling, and that has been going on ever since. We have caught 12—we put 12 boats out of commission of all kinds.

Mr. BUSIEK. What is your best judgment as to the number of Chinese crossing or coming up from Mexico in the last year, say, that you did not get?

Mr. TAYLOR. Well, I should say probably 150.

Mr. BUSIEK. One hundred and fifty?

Mr. TAYLOR. Yes.

Mr. BUSIEK. Well, now, I don't want to argue with you, but I want to get those figures.

You say there is a floating population of about 300 Chinese in Ensenano?

Mr. TAYLOR. I mean by floating population—you probably misunderstood me—that is, in addition. I would put 150 regulars, and that would make ours about 150.

Mr. BUSIEK. Now, if 150 get out every two weeks, and a new shift comes in—

Mr. TAYLOR. Yes. We caught, I say, about 700 in the last year.

Mr. BUSIEK. Well, but if those came in there, that would make about 4,000 going out and 700 caught?

Mr. TAYLOR. How do you mean, 4,000?

Mr. BUSIEK. Well, if there was, taking your figures, 150 that change approximately every two weeks, that would make 26 changes in a year, wouldn't it?

Mr. TAYLOR. Yes.

Mr. BUSIEK. Twenty-six times 300.

Mr. TAYLOR. I will modify that. At that figure, 300 coming in every month, we would have had 300 a month coming into Ensenano. At the highest estimate I have had it was about 200 a month. And that has been cut down. If I remember correctly that was about the time that we made the change.

Mr. BUSIEK. Isn't it a fact that the Chinese population of Ensenano is larger now to-day than it ever was?

Mr. TAYLOR. Well, probably so. There are probably a lot of Chinese from near-by places in there.

Mr. BUSIEK. Now, that is just Ensenano alone. Now, the Mexican border is pretty long, and there are smuggling operations carried on all along the border, aren't there?

Mr. TAYLOR. Well, we have——

Mr. BUSIEK. From Beaumont, Tex., to the Gulf of California?

Mr. TAYLOR. Oh, no; we have practically broken up the smuggling east of Yuma.

Mr. BUSIEK. East of Yuma?

Mr. TAYLOR. Yes, sir; we used to; they are stragglers now. When I first went on the border that was their regular route, through El Paso, in box cars. Every means known was used. Well, we have broken up, we have discovered every means practically that they have employed. The last they were driven over to Eagle Pass, and we got three that went out there and attempted to go through there. El Paso is the only place where they are coming across to amount to anything east of Yuma. You understand that they can't get away. We have every train moving in that section inspected; and the Chinamen can't travel on those trains unless he has permission from some officer at El Paso. If I remember correctly that was about the time that we made the change.

We give him a certificate, and send a copy up the road to our inspector who inspects the train, and if he hasn't got the certificate he is taken off.

Mr. BUSIEK. Well, now, that accounts for Mexico. How about smuggling in from Canada?

Mr. TAYLOR. To the extent that that is carried on, smuggling in from Canada is just a little better now than the Mexican border was when I first took charge of it. They are smuggling in from Canada at all times.

Mr. BUSIEK. How?

Mr. TAYLOR. Every conceivable way.

Mr. BUSIEK. Is there considerable boat smuggling along the Pacific coast?

Mr. TAYLOR. Why, no. The smuggling on the Pacific coast is not as great as one would imagine. Now, I have investigated the coast here. I put a man in with the smugglers, had him with them for three months, and with the results we were satisfied that they were not coming across in the number we would imagine. It developed that they were not, for this reason, they wanted to get East. If they are smuggled across in the vicinity of Seattle or anywhere—well, anywhere west of the International Falls, they have then got to run the gantlet of our inspectors clear through to the eastern point, in addition to being smuggled across. They can go in Canada to Buffalo or Toronto. Toronto is the headquarters, and they go to Toronto, and they only have one difficulty and that is getting across. Once they are across they are close to their final destination. Our trains going through Chicago and Toledo are periodically inspected. If we see a Chinaman on there we take him off, and for that reason they figure when once they get across in the vicinity of Seattle they have to take a chance to get East, which accounts for it. I was myself rather surprised at the result of the investigation.

Now, they were smuggled across in small numbers in the vicinity of Seattle. A great many more aliens of other races are being smuggled over, and we are using the same method, or intend to, to apprehend those. I don't mind stating that we had—at least I had the head smuggler—my man got in with the head smuggler in Vancouver, and he would have come over with him—the lay was he insisted on his coming over with opium. Of course, we don't do that, it is not our business, we simply report it. He could have come over as his partner and we would have caught him and caught the smuggler, but I would not permit anything of that kind to be done in the Seattle district for the simple reason that there is too much newspaper notoriety there. We have a new district attorney and we have a new commissioner. Of course, the commissioner is inexperienced in work of this kind, and while the Supreme Court of the United States, as you probably know, says it is perfectly proper for an investigating officer or detective to join a conspiracy after once formed, and even assist, for the purpose of apprehending the criminal, and in fact it is the only way a conspiracy can be exposed——

Mr. BUSIEK. Why, then, were you afraid to take it up with the commissioner at Seattle?

Mr. TAYLOR. I would have taken it up with the commissioner, I would have taken it up myself, but I didn't want them to—I didn't want to have to answer criticisms in the newspaper. There is some one there who makes a habit of publishing everything in the papers, and as I put it up to the bureau, they would probably charge us with smuggling Chinese in if I permitted an officer to come over, and for that reason under the present circumstances I would not permit an officer to take any part in working with the smuggler. He developed the smuggler and he came over and developed the Chinese in Seattle; he had a conference with him; he got letters from him to the smuggler's Chinese man in charge of Vancouver, and vice versa. He got their methods, and in that way he, in addition to that, developed the fact that smuggling is not being carried on as extensively as we thought.

Now, they were bringing them across in the tool box of the engine, probably two at a time. This man stated that that had been stopped; that they could not do that; and that he was trying to arrange to have some brought over in a boat, but that he could not get more than two or three at a time, that they wanted to go each rather than to come across in that way. The smuggling by the trains, I think, has been stopped. I went to Blaine and to Sumas and went through the trains, and showed the officers just exactly where they had been found in the past, and we have found them in every conceivable part of the train.

Commissioner WEINSTOCK. Brake beams?

Mr. TAYLOR. Brake beams, under the hood over the vestibule, and in the boxes of the diner, under the food boxes. At El Paso they would put two Chinamen in this box, which is about that square and as long as a man, at, we will say, 11 o'clock at night in the yards. That diner would remain there until 11 o'clock to-morrow, and then be put into a train leaving at 1 o'clock, and taken to Chicago. That man would remain in that position for that time.

Commissioner WEINSTOCK. Without food?

Mr. TAYLOR. Except the little crackers and water that they put in with them.

Commissioner WEINSTOCK. What would they do to respond to the laws of nature? How would they relieve themselves?

Mr. TAYLOR. Right where they were. We caught one by relieving himself over the hood. This little hood is about that high, you know, over the vestibule where it slopes down. This is the top of the car, there is a little space there, and they take off a panel inside and shove him in there, and put that panel back. They would stay there three days in that place.

Commissioner WEINSTOCK. How could smugglers do that without the train crew knowing it?

Mr. TAYLOR. The train crew, those are the ones we have to contend with.

Commissioner WEINSTOCK. The train crew?

Mr. TAYLOR. Yes, sir. That car was put in the yard, which has a high fence around it, and it is almost impractical, because they are all smugglers, there is no trouble finding the smuggler. We can go out in El Paso and shake hands with them on every corner, but you have to catch them. I have put an officer in there and it developed on that box car—the dining car, I got a strange officer and put him in as a helper. He worked there and finally got up to be foreman of a gang, which gave him an excuse for going around the yards. But there are very few officers we can use in that way, because they will very soon tell you that they didn't come in the service to handle trucks and things of that kind in the freight yards, they don't get sufficient pay.

Commissioner GARRETSON. In the investigation on that border didn't it develop that there was another matter of train handling?

Mr. TAYLOR. On——

Commissioner GARRETSON. On the Mexican border?

Mr. TAYLOR. On the Mexican border?

Commissioner GARRETSON. Yes.

Mr. TAYLOR. Oh, yes.

Commissioner GARRETSON. Didn't it develop that gangs were marched across the border, the trains stopped 7 or 8 miles from the border, and the Chinamen loaded into a baggage car?

Mr. TAYLOR. Yes.

Commissioner GARRETSON. And brought away in?

Mr. TAYLOR. Every conceivable——

Commissioner GARRETSON. In the investigation of that what I would like to know is this: Did responsibility for that kind of action rest solely with the train crew or were there officers of the company implicated?

Mr. TAYLOR. That is to say the company?

Commissioner GARRETSON. Of the railway company?

Mr. TAYLOR. Why, nothing higher than the engineer or conductor that we have ever been able to get.

Commissioner GARRETSON. What makes me ask—bear in mind I have some knowledge of train movement.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. The way that was done, according to my information, it could not have been done by the conductor and engineer without the collusion of superior officers.

Mr. TAYLOR. Well, they have never been able to trace it to them.

Commissioner GARRETSON. Well, you have never been able to find a trace of it?

Mr. TAYLOR. No, sir.

Commissioner GARRETSON. What makes me ask, no conductor or engineer—I am speaking from years and years of practical knowledge——

Mr. TAYLOR. Yes.

Commissioner GARRETSON. Can follow that method, and that was very prevalent, if I am not misinformed, on that border, without both knowledge and authorization.

Mr. TAYLOR. Well, now, I don't know just the particular instances you refer to, but what I have in mind was a Santa Fe train was sometimes stopped right out of El Paso and just——

Commissioner GARRETSON. Well, I am not referring to that at all. I am talking of trains that cross the line on the other side. They bring them to within a few miles of the border, and then they were taken in squads—the Chinamen—and marched across the border on foot.

Mr. TAYLOR. Yes, sir.

Commissioner GARRETSON. And camped on the other side probably until a train was due, another one following, a later train. Then they were flagged from anywhere from 1 to 5 or 10 miles on this side of the border—the men loaded in the baggage car; that is, the Chinamen—and carried off.

Mr. TAYLOR. No, no; I don't——

Commissioner GARRETSON. You found no record of anything of that kind?

Mr. TAYLOR. No; I don't just understand about—you say they came up on a train?

Commissioner GARRETSON. Yes.

Mr. TAYLOR. I will tell you; they all come to Juarez.

Commissioner GARRETSON. Came where?

Mr. TAYLOR. Come to Juarez; that is the same there as Ensenano is here.

Commissioner GARRETSON. I know; I am perfectly familiar with Juarez.

Mr. TAYLOR. Then they are smuggled over the river as best they can.

Commissioner GARRETSON. How about the El Paso & Southwestern; that crosses the line?

Mr. TAYLOR. Where?

Commissioner GARRETSON. From Douglas, and comes into El Paso on this side of the line.

Mr. TAYLOR. Yes, sir.

Commissioner GARRETSON. The Southern Pacific lines from Benson south.

Mr. TAYLOR. Those are the ones they use.

Commissioner GARRETSON. Well, there is the class of train that I am talking about.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. A train that crosses the border itself. What road was Green on?

Mr. TAYLOR. The train doesn't go into Mexico.

Commissioner GARRETSON. The El Paso & Southwestern does.

Mr. TAYLOR. Where?

Commissioner GARRETSON. What?

Mr. TAYLOR. Where?

Commissioner GARRETSON. Crosses the border and goes south below Douglas.

Mr. TAYLOR. Into——

Commissioner GARRETSON. Goes down this way on a loop into old Mexico [indicating].

Mr. TAYLOR. You mean the new road?

Commissioner GARRETSON. What?

Mr. TAYLOR. The new road, you mean?

Commissioner GARRETSON. Why, it is not very old; it has been there for 8 years or 10.

Mr. TAYLOR. And goes from here to El Paso through old Mexico?

Commissioner GARRETSON. No. It goes from El Paso down to Douglas, right down the Matazara country, and then comes up to Benson.

Mr. TAYLOR. I don't—

Commissioner GARRETSON. That is the Phelps-Dodge road.

Mr. TAYLOR. You mean the branch that runs to Nogales?

Commissioner GARRETSON. There is a branch that crosses into Neco.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. But it is right on the border and loops below it in one place. Look at a railroad map, it will show you that.

Mr. TAYLOR. I don't—

Commissioner GARRETSON. The line extends from El Paso north, the old El Paso & Northwestern, up to Santa Rosa.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. It goes south to Douglas and Benson?

Mr. TAYLOR. Yes.

Commissioner GARRETSON. With a branch across at Nakazara and Neco?

Mr. TAYLOR. Yes.

Commissioner GARRETSON. And it falls below the line for a number of miles?

Mr. TAYLOR. Yes.

Commissioner GARRETSON. It forms a very convenient loading place. What road was Green on?

Mr. TAYLOR. Green was on the Santa Fe.

Commissioner GARRETSON. Santa Fe. He only approached the border, he didn't cross it?

Mr. TAYLOR. He had nothing to do with the border at all.

Commissioner GARRETSON. No?

Mr. TAYLOR. He was simply inspector in charge.

Commissioner GARRETSON. I know he was in the service of the Government at the time of his conviction.

Mr. TAYLOR. Everybody had—they were to pass through and inspect them and take them off the train, that he was supposed to.

Commissioner GARRETSON. That phase of it is what interested me.

Mr. TAYLOR. Well, now, they can't get by, because we open all their cars and inspect all the trains.

Commissioner GARRETSON. Oh, yes; but you can readily understand that having stood the inspection and proceeded north in our territory the Chinamen will be loaded 5 miles from where the inspection took place.

Mr. TAYLOR. It is in our territory where we inspect them. We inspect them 100 miles from the line.

Commissioner GARRETSON. Absolutely. They don't run that far.

Mr. TAYLOR. What is that?

Commissioner GARRETSON. They could carry them in before that.

Mr. TAYLOR. They can't get away, though. The Chinamen can't get out of anywhere in that vicinity of the Mexican line along there without being inspected. We have all those little towns, we have a man there that goes through all the trains. That is what resulted in breaking up this—you are speaking now of box-car smuggling?

Commissioner GARRETSON. I am not speaking of the box cars, I am talking about baggage cars and the passenger trains.

Mr. TAYLOR. Well, we have got them in the passenger trains, but we have never got them out along the line of the railroad where the train was flagged.

Commissioner GARRETSON. Bear in mind, I am talking of the preinformation of a man that rode a train on both sides.

Mr. TAYLOR. Yes.

Commissioner GARRETSON. I was in the Mexican service myself for a good long time.

Mr. TAYLOR. Well, we have caught them in every conceivable part of the train.

Commissioner GARRETSON. That is all that I wanted to know on that.

Mr. BUSIEK. Mr. Taylor, you have made several investigations here in San Francisco, have you not, of the personnel of the force?

Mr. TAYLOR. Yes; I have investigated; I guess I have investigated one man about periodically every year or two, that is the chief interpreter here.

Mr. BUSIEK. Who is that?

Mr. TAYLOR. Dr. Gardner.

Mr. BUSIEK. John E. Gardner?

Mr. TAYLOR. Yes, sir.

Mr. BUSIEK. Have you ever made any adverse recommendations?

Mr. TAYLOR. Never have; no, sir.

Mr. BUSIEK. Have you found Gardner all right?

Mr. TAYLOR. Every time; yes, sir.

Mr. BUSIEK. What were the bases of the charges, Mr. Taylor?

Mr. TAYLOR. Well, I think about the first one was that he and a man, Inspector Kennah, took \$300 from a man in a case. Some one was here from the department and made an investigation. They produced a witness who told them that he had paid them; that he was head of the cannery; that he hired men for the cannery here; that he had paid him \$300. I took it up and found that this man was an 18-year-old boy. There was never any such case as they referred to at all; and he had no connection whatever with the cannery. The address he gave this officer was some white section over in Oakland. A Chinaman had never been near it. Absolutely no case.

Mr. BUSIEK. Did you ever find the boy?

Mr. TAYLOR. No.

Mr. BUSIEK. You never found the witness?

Mr. TAYLOR. No.

Mr. BUSIEK. That has generally been the case in all investigations of Gardner, hasn't it, that you can't find the witnesses who make the original statements?

Mr. TAYLOR. No; I found the woman that produced him, and she stated that she didn't produce him, that she simply acted as an interpreter. And she herself I found to be a little prostitute. It didn't amount to 2 cents.

Mr. BUSIEK. And what was the basis of other charges against Gardner?

Mr. TAYLOR. Why—well, I don't know any particular—let's see, they were all along the line of his landing. Yes; one instance was that we had a report that he was landing women here.

Mr. BUSIEK. That is a very persistent report.

Mr. TAYLOR. Yes.

Mr. BUSIEK. In regard to Gardner, is it not?

Mr. TAYLOR. Well, now, the only way I could figure on handling that properly was to get the women. So I went out here and picked up 16 women, prostitutes, raided—took them all in, and there wasn't a one that Dr. Gardner could have helped in any way, shape, or form to get in, or the President of the United States couldn't have kept them out.

Chairman WALSH. What did he say—what was that last about the President?

Mr. TAYLOR. Couldn't have kept them out.

Chairman WALSH. The President could not?

Mr. TAYLOR. No one. They simply get the young boys, native sons, to go over to China and marry a woman Chinese fashion and bring her back here as his wife. Well, she has just as much right to come in as your wife or my wife.

Mr. BUSIEK. But if she turns prostitute the President of the United States couldn't keep her in, could he, under the law?

Mr. TAYLOR. If she turned prostitute within a certain time, we could probably send her back if the court would let us; but she is the wife of an American citizen, and you can readily understand her status. She is really permitted to do as she pleases, except sometimes we get by with it. We take her and charge her with being a prostitute prior to entering. You see, we have got to show she was a prostitute prior to her marriage.

Mr. BUSIEK. Well, did you ever see the report made by Assistant Commissioner Edsell on Gardner?

Mr. TAYLOR. I didn't; no, sir.

Mr. BUSIEK. Did you ever hear of it?

Mr. TAYLOR. Yes; I understand that—in fact, I believe it is common knowledge that Edsell intended to sift him to the bottom. He went after him with his mind made up that he was guilty of everything that he was charged with. And I understand he worked day and night for a long time, but finally had to say that he was in the clear in every respect. Now, that is only—

Mr. BUSIEK. You think from your investigations that Dr. Gardner is above report as an official?

Mr. TAYLOR. I do. I have used him with every clan. There is not an officer here who will go further against them. Now, who is he doing business with? He will take a Li as quick as a Moy. And I never come here but what he has something for me against some of these people, and there is no one left for him to do business with. Now, he is not in a position to land Chinese.

Mr. BUSIEK. You would not interfere in any way with any investigation that the Government was making in regard to him, would you?

Mr. TAYLOR. About Dr. Gardner?

Mr. BUSIEK. Yes.

Mr. TAYLOR. Indeed, I would not.

Br. BUSIEK. That is, you would not advise him to withhold anything, or take any action, you would just let the department go after him, wouldn't you?

Mr. TAYLOR. I would go after him quicker than anybody in the service.

Mr. BUSIEK. If anybody in the department at Washington started after him, you would not advise him to withhold information, or anything of the sort?

Mr. TAYLOR. I certainly would not.

Mr. BUSIEK. You would feel that if he did that and he was guilty, that you could be—well, charged with criminality yourself?

Mr. TAYLOR. I can't conceive of my taking—

Mr. BUSIEK. Giving any advice that would retard the movements of any other officials?

Mr. TAYLOR. I don't. I would not. I would assist the other officials.

Mr. BUSIEK. Yes.

Mr. TAYLOR. Unless I found that there was something wrong.

Mr. BUSIEK. You would not undertake to defend him when he was under charges, would you, or advise him, or anything like that that would have a tendency to circumvent the efforts of the department?

Mr. TAYLOR. No, sir; I would not.

Mr. BUSIEK. You have never done such a thing?

Mr. TAYLOR. I never had occasion to that I know of.

Mr. BUSIEK. Mr. Taylor, you made a general investigation of the San Francisco office some time ago, and turned in a report, didn't you, around about the 1st of March?

Mr. TAYLOR. Why, not exactly a general investigation. I made general observations and made a recommendation for an investigation.

Mr. BUSIEK. And what did your observations lead you to believe about the smuggling situation here in San Francisco?

Mr. TAYLOR. That they are not paying any attention to it whatever. And I have now had it taken out practically from under the San Francisco office and put in charge of a man at Monterey who works under my direction with instructions to call on the San Francisco office for any help that he may need.

Mr. BUSIEK. How did you have that done?

Mr. TAYLOR. At request from the—recommendation through the Commissioner General.

Mr. BUSIEK. To Mr. Caminetti?

Mr. TAYLOR. Yes.

Mr. BUSIEK. When was that?

Mr. TAYLOR. Why, I took charge of it on the 3d of April.

Mr. BUSIEK. Of this year?

Mr. TAYLOR. Third of April.

Mr. BUSIEK. And when did you make that request?

Mr. TAYLOR. Some time prior to that.

Mr. BUSIEK. And your request was granted?

Mr. TAYLOR. I have been put in charge of all the Chinese smuggling; on the 3d of April.

Mr. BUSIEK. And you are in charge of all the Chinese smuggling now?

Mr. TAYLOR. In charge of all the Chinese smuggling, under the bureau, since the 3d of April, and officers are instructed to report direct to me, and I handle the work under, of course, the bureau. And I make them submit to me their daily reports whenever I can, and that is what I am on now. I am making a trip of inspection arranging those matters. I started in at Buffalo, and I might say that since that time, since I have taken charge of it we have captured 41 smugglers and, I think, about 140 contraband Chinese directly connected with the smugglers. I am not speaking of those we picked up simply for being illegally here.

Chairman WALSH. You think, then, the work is being done very well?

Mr. TAYLOR. It was never in a better shape than it is now, and we will probably be able to do more because immigration has let up and we will have men.

Chairman WALSH. About how many have you caught in the San Francisco district since you took charge, how many smugglers?

Mr. TAYLOR. Haven't caught any.

Chairman WALSH. Are there any here?

Mr. TAYLOR. Why, I haven't found them yet.

Chairman WALSH. You can't find them. Did you ask Dr. Gardner if he had noticed any?

Mr. TAYLOR. No; I haven't seen Dr. Gardner.

Chairman WALSH. You haven't seen him?

Mr. TAYLOR. I haven't been here since. This is the first time I have been here. I want to state that we have not experienced criminal investigators. We have got to make them. We have here, as you know, a commissioner, and, of course, we could not expect him to go out and catch smugglers or dig into them. I don't know of an officer here who has had experience as a criminal investigator. But you have got to investigate smugglers; that is, you have got to use criminal methods.

Chairman WALSH. So the officer ought to be a man, then, in charge that had experience in the investigation of criminal matters?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. He ought to be in complete charge?

Mr. TAYLOR. He ought to know what constitutes evidence.

Chairman WALSH. And he ought to be in supreme command?

Mr. TAYLOR. No, sir; my idea is this—my recommendation shall be that a man be put in charge here of the smuggling and criminal work.

Chairman WALSH. Yes.

Mr. TAYLOR. In addition to the man who is handling it now from Monterey. The smuggling all comes up from the south, but once they get here, they are safe. Now you can see, 1,400 sent out of southern California the last four fiscal years; they scarcely ever pick up a Chinese in San Francisco. Now, there was a circular issued which practically prohibited molesting the Chinese. I found that—in other words, I ran across it at every turn. "Why don't you pick up contraband Chinese like we do on the Mexican border and southern California?" "Why, in Circular 83 it says, if you molest a Chinaman, you will lose your job." The last regulation had a clause inserted that all circulars were revoked.

Chairman WALSH. Who did you have do that?

Mr. TAYLOR. In drawing the new regulations we went over it together.

Chairman WALSH. Who?

Mr. TAYLOR. Why, Mr. Parker and I did practically the detail work, and others in the office.

Chairman WALSH. Who else?

Mr. TAYLOR. We have issued a new circular.

Chairman WALSH. And who else? You and Mr. Parker, and who else in the office went over it?

Mr. TAYLOR. Mr. Parker and myself really did the drafting of it.

Commissioner WEINSTOCK. Who is Mr. Parker?

Mr. TAYLOR. He is the law clerk.

Commissioner WEINSTOCK. At Washington?

Mr. TAYLOR. Yes, sir; the man who knows more about the regulations and law than any man in the Government service.

Commissioner WEINSTOCK. Who finally approved of that order?

Mr. TAYLOR. It was approved by the Commissioner General and the Secretary. It was a revision of the regulations, the laws, rules, and regulations. We took the laws and rules and regulations and all the court decisions.

Commissioner WEINSTOCK. Did Mr. Larued work on it?

Mr. TAYLOR. No, sir; he did not.

Commissioner WEINSTOCK. Did you confer with him about making it up, making the regulations?

Mr. TAYLOR. Probably talked it over with him.

Chairman WALSH. Have you suggested anybody to fill the place?

Mr. TAYLOR. No, sir; I have not.

Chairman WALSH. Have you anyone in mind?

Mr. TAYLOR. I am going to ask for Inspector Strand.

Chairman WALSH. You are not an applicant yourself? You wouldn't take it yourself?

Mr. TAYLOR. Why, I have charge of the whole work.

Chairman WALSH. And your answer, then, I gather from that is, that having charge of the whole work you would not accept this place yourself, even though it was offered to you?

Mr. TAYLOR. I don't see how. I would not want to be demoted and put into a subordinate position. I wouldn't ask for that.

Chairman WALSH. Then, am I to gather from that, you mean you wouldn't take the place?

Mr. TAYLOR. Why, be reduced, you mean—an inspector?

Chairman WALSH. I understood you, Mr. Taylor, to say you recommended the creation of a place here?

Mr. TAYLOR. No, sir; I am recommending the detail of an officer to take charge of smuggling work here under my instructions.

Chairman WALSH. My question was—and I guess you can answer it yes or no—would you take the place yourself?

Mr. TAYLOR. No, sir.

Chairman WALSH. Voluntarily?

Mr. TAYLOR. No, sir. My answer was I wouldn't want to be reduced to——

Chairman WALSH. All I wanted to know is whether you would or not.

Mr. BUSIEK. Is Strand's record good in the service?

Mr. TAYLOR. As far as I can learn; he has had experience on the Mexican border, and there is where we train investigators.

Mr. BUSIEK. Hasn't he been charged and investigated as to complicity in Chinese operations, smuggling?

Mr. TAYLOR. Any officer who handles Chinese cases will sooner or later be charged with that. That is a common occurrence, I might say, and my opinion is it is a recommendation.

Chairman WALSH. Where were you born, Mr. Taylor?

Mr. TAYLOR. Staunton, Va.

Chairman WALSH. How old are you?

Mr. TAYLOR. Forty-four the 8th of this month.

Chairman WALSH. Where were you educated?

Mr. TAYLOR. In the public schools of Virginia, the Naval Training School at Newport, and then I took one year at the National Law School.

Chairman WALSH. Were you ever admitted to the bar?

Mr. TAYLOR. No, sir.

Chairman WALSH. What time did you leave school and go into business?

Mr. TAYLOR. I left school when I was—well, I went in the Naval School when I was 14 years old, and I stayed there until I was 20.

Chairman WALSH. What was the first position you occupied for pay; what was the first business you were in?

Mr. TAYLOR. The first business I was in was clerk in a real estate office.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. Washington.

Chairman WALSH. How long were you clerk in a real estate office in Washington?

Mr. TAYLOR. I was there probably a year.

Chairman WALSH. What real estate office?

Mr. TAYLOR. A. M. Gorman was the name.

Chairman WALSH. A. M. Gorman?

Mr. TAYLOR. Yes.

Chairman WALSH. Where did you go from there?

Mr. TAYLOR. Went into the real estate business.

Chairman WALSH. For yourself?

Mr. TAYLOR. In partnership with a man by the name of Gibbs.

Chairman WALSH. What was the firm name?

Mr. TAYLOR. Gibbs & Taylor.

Chairman WALSH. How long did you remain in partnership with Mr. Gibbs?

Mr. TAYLOR. I remained there until right after the panic of 1903.

Chairman WALSH. 1903?

Mr. TAYLOR. Yes.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. Then I went into the brokerage business, stock brokerage.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. In Washington.

Chairman WALSH. In what lines?

Mr. TAYLOR. Stock brokerage.

Chairman WALSH. How long were you in that business?

Mr. TAYLOR. I was in that business for practically a year, I guess.

Chairman WALSH. About a year?

Mr. TAYLOR. Yes.

Chairman WALSH. Where was your office?

Mr. TAYLOR. 1421 F Street.

Chairman WALSH. What building is that?

Mr. TAYLOR. It is an old office building; I don't know the name.

Chairman WALSH. Just an old office building?

Mr. TAYLOR. Yes.

Chairman WALSH. What was your firm name?

Mr. TAYLOR. R. H. Taylor.

Chairman WALSH. And what stocks did you handle there?

Mr. TAYLOR. Everything that came along.

Chairman WALSH. Were you a member of the stock exchange?

Mr. TAYLOR. No, sir; we handled through different exchange houses.

Chairman WALSH. You were a broker in that business at 1421 F Street for a year?

Mr. TAYLOR. For about a year.

Chairman WALSH. Was it a profitable business?

Mr. TAYLOR. No, sir.

Chairman WALSH. Had you accumulated any property before you left there?

Mr. TAYLOR. Had I accumulated any?

Chairman WALSH. Yes.

Mr. TAYLOR. No; except the money I had made; I lost it in that.

Chairman WALSH. You lost it in this venture?

Mr. TAYLOR. Yes.

Chairman WALSH. Was anyone connected with you in that venture?

Mr. TAYLOR. Not actively.

Chairman WALSH. When did you go out of business?

Mr. TAYLOR. The latter part of 1894.

Chairman WALSH. Of 1894?

Mr. TAYLOR. Yes.

Chairman WALSH. And what did you do next?

Mr. TAYLOR. Then I went to Savannah, Ga. I was connected with the Southern Transportation Co. up until——

Chairman WALSH. That is 1904, isn't it, not 1894?

Mr. TAYLOR. No.

Chairman WALSH. 1894?

Mr. TAYLOR. Yes; I was married in 1894.

Chairman WALSH. You did what?

Mr. TAYLOR. I was married in the fall or summer of 1894 and went to Savannah, Ga., and was there with the Southern Transportation Co. We ran steamers on the Savannah River.

Chairman WALSH. I didn't understand you—how old are you now?

Mr. TAYLOR. I will be 44.

Chairman WALSH. You will be 44 soon?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And you graduated from school at 20 and you were a clerk in a real estate office for a year?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Then you were two years in business for yourself?

Mr. TAYLOR. I was in——

Chairman WALSH. In business as Taylor & Gibbs then?

Mr. TAYLOR. Yes.

Chairman WALSH. Then you were one year in the——

Mr. TAYLOR. About one year.

Chairman WALSH. Brokerage business in 1894?

Mr. TAYLOR. Yes.

Chairman WALSH. Then you went to Savannah?

Mr. TAYLOR. Yes.

Chairman WALSH. What did you do in Savannah?

Mr. TAYLOR. With the Southern Transportation Co.

Chairman WALSH. How long did you remain in that business?

Mr. TAYLOR. I was there probably a little over a year. My wife died, and I went back to Washington, and went in the building, real-estate business; went in the real-estate business there, built some houses.

Chairman WALSH. How long were you in that business?

Mr. TAYLOR. I was in that business then—I built a row of houses.

Chairman WALSH. How long—I don't care what you did, but how long were you in the business?

Mr. TAYLOR. I should say a year probably.

Chairman WALSH. And then where did you go?

Mr. TAYLOR. Then I went with a brokerage firm.

Chairman WALSH. What firm?

Mr. TAYLOR. Porterfield & Co.

Chairman WALSH. How long were you with Porterfield & Co.?

Mr. TAYLOR. I must have been with them until 1898, I think it was.

Chairman WALSH. Until 1898. In what capacity?

Mr. TAYLOR. I was general investigator. I traveled for them; they had a string of offices throughout the South.

Chairman WALSH. What did you investigate?

Mr. TAYLOR. Managers and their firms.

Chairman WALSH. You left there in 1898?

Mr. TAYLOR. 1898.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. Washington.

Chairman WALSH. In what business?

Mr. TAYLOR. In the real-estate business.

Chairman WALSH. From 1898 until when?

Mr. TAYLOR. 1900.

Chairman WALSH. Until 1900. Were you in with a firm or for yourself?

Mr. TAYLOR. I was, I think, alone. I probably had men with me at different times. I was building.

Chairman WALSH. Where was your office?

Mr. TAYLOR. I was at six—I don't just recall, corner of Eighth and F; it is right across from the trust company.

Chairman WALSH. And you remained there until 1900, in the real estate business?

Mr. TAYLOR. I remained in that office until—I wouldn't say—1900, and then I went in for myself and was up on Thirteenth and F.

Chairman WALSH. How long did you remain in the real estate business during this period now, in Washington?

Mr. TAYLOR. Was in it until I went in the Government service.

Chairman WALSH. Which was then?

Mr. TAYLOR. The fall of 1901, I think.

Chairman WALSH. Where was your last place of business before you went into the Government service?

Mr. TAYLOR. 620 Thirteenth Street.

Chairman WALSH. When you first went into the Government service how was it?

Mr. TAYLOR. I was appointed at the request of Col. Sanger on my naval record.

Chairman WALSH. On your naval record?

Mr. TAYLOR. Yes. I went to a friend of mine; he took me to him, and he looked up my record and asked the Assistant Secretary of the Treasury to give me a trial.

Chairman WALSH. Who was that friend who went?

Mr. TAYLOR. John B. Jones, of Utica, N. Y.

Chairman WALSH. Of Utica, N. Y.?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. That was in 1901?

Mr. TAYLOR. That was in 1901.

Chairman WALSH. Who gave you your appointment?

Mr. TAYLOR. The Secretary who was ahead of Shaw.

Chairman WALSH. Do you remember who was Secretary of the Treasury when you were appointed?

Mr. TAYLOR. Ailes was the man that had charge of the work.

Chairman WALSH. You don't recall the name of the Secretary?

Mr. TAYLOR. I know it as well as I know my own. He is out here now at Port Loma in charge of the—

Chairman WALSH. Well, now, what was your first—first I will ask you had you accumulated any property at that time?

Mr. TAYLOR. Had I accumulated any property? No; nothing except in and out. I had built and sold.

Chairman WALSH. Did you have any property at the time you went into the Government service?

Mr. TAYLOR. No.

Chairman WALSH. Now, what was your first work for the Government?

Mr. TAYLOR. The first thing I did was being assigned to Mr. Roosevelt for a bodyguard.

Chairman WALSH. How long did you continue to do that?

Mr. TAYLOR. On and off for probably three years.

Chairman WALSH. Off and on. How much were you on as Mr. Roosevelt's bodyguard?

Mr. TAYLOR. Why, nearly all the time. Then they got to sending me out for work between times. That is the way I drifted away from it.

Chairman WALSH. How is that?

Mr. TAYLOR. That is the way I drifted away from it. He would send me out on investigations?

Chairman WALSH. Who would?

Mr. TAYLOR. The President and the chief.

Chairman WALSH. The President and the chief?

Mr. TAYLOR. Yes; and the Secretary.

Chairman WALSH. You were kept as Roosevelt's bodyguard, or under his direction or the direction of the chief on some special investigation for how long?

Mr. TAYLOR. Well, 1904, I think. I haven't been with him since.

Chairman WALSH. What was your salary?

Mr. TAYLOR. I started in at \$3 a day.

Chairman WALSH. What was it when you left?

Mr. TAYLOR. Worked to six.

Chairman WALSH. Who made the suggestion for the raises?

Mr. TAYLOR. No one.

Chairman WALSH. The chief just simply raised you?

Mr. TAYLOR. I never asked for promotion in my life.

Chairman WALSH. What was the highest you were allowed to get?

Mr. TAYLOR. The highest I got there was \$10 and \$4—\$14 a day.

Chairman WALSH. Was that before you left the service of President Roosevelt?

Mr. TAYLOR. No; I had charge of the New York district.

Chairman WALSH. New York district?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You had left the President then, had you?

Mr. TAYLOR. Oh, yes; I left the President in 1904. I will explain what I mean by leaving.

Chairman WALSH. You quit as the bodyguard of President Roosevelt in 1904, did you?

Mr. TAYLOR. Yes.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. I think I went with Prince Fushima.

Chairman WALSH. How long did you stay there with the Prince?

Mr. TAYLOR. I was there about two months.

Chairman WALSH. About two months?

Mr. TAYLOR. Yes.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. Then I took up—

Chairman WALSH. Did you ever go back as the bodyguard of President Roosevelt after you went with the Prince?

Mr. TAYLOR. Yes; I think I did.

Chairman WALSH. I want to cover the period in point of time that you acted as bodyguard for President Roosevelt before going off on special detail, how long was that?

Mr. TAYLOR. I don't believe I was back at the White House after the summer of 1904.

Chairman WALSH. After the summer of 1904 you never went back. Now what did you do?

Mr. TAYLOR. I came out here to San Francisco and took charge of the naturalization frauds here.

Chairman WALSH. Of what?

Mr. TAYLOR. Naturalization frauds.

Chairman WALSH. Naturalization frauds?

Mr. TAYLOR. I was here for over a year.

Chairman WALSH. At what salary?

Mr. TAYLOR. I don't know whether it was \$5 and \$3 or \$6 and \$3.

Chairman WALSH. Either \$8 or \$9 a day?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. That was the first time you were brought in close contact with the Chinese business, wasn't it?

Mr. TAYLOR. I had nothing to do with the Chinese business then.

Chairman WALSH. You were out on naturalization matters?

Mr. TAYLOR. I was out here on steamboat officers—a report was sent in by the harbor here that a great many of these officers on the coast had fraudulent naturalization papers.

Chairman WALSH. Did you meet Dr. Gardner then?

Mr. TAYLOR. I think not.

Chairman WALSH. Were you in the immigration office that had to do with the Chinese?

Mr. TAYLOR. No, sir; I had nothing at all to do with it. This was for the Department of Justice.

Chairman WALSH. Where did you go after you concluded that investigation?

Mr. TAYLOR. I stayed here until the earthquake.

Chairman WALSH. That was in 19—what year?

Mr. TAYLOR. 1906.

Chairman WALSH. 1906?

Mr. TAYLOR. April, 1906.

Chairman WALSH. And working for the Department of Justice all the time?

Mr. TAYLOR. I was under assignment for the Department of Justice. I got 134 captains and masters and engineers and other officers who were running on these Pacific coast steamers who had fraudulent naturalization papers.

Chairman WALSH. The question I asked you was if you were here, not the details of what you did, but you were here for the Department of Justice until the earthquake?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. Then I went from here to Salt Lake and received orders there that the collector of customs at Gateway was under suspicion of smuggling Chinese. I went there and worked in that vicinity for probably three months. I got the deputy collector of customs—

Chairman WALSH. I want to try to avoid the details, if possible. You remained with the Department of Justice for how long?

Mr. TAYLOR. I remained with the Department of Justice until the earthquake.

Chairman WALSH. But I thought we had left the earthquake, and you were detailed to Salt Lake?

Mr. TAYLOR. That is what I am explaining. I wasn't detailed by the Department of Justice to Salt Lake.

Chairman WALSH. You were not?

Mr. TAYLOR. No, sir.

Chairman WALSH. By whom?

Mr. TAYLOR. The Treasury Department, to investigate the collector of customs at Gateway.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. Gateway, Mont.

Chairman WALSH. Where did you go after you got through with that job?

Mr. TAYLOR. Hawaiian Islands.

Chairman WALSH. Still for the—

Mr. TAYLOR. No, sir; for our service, or I presume for our service. I was instructed by our service, but when I got there I was instructed to take up with the War Department—

Chairman WALSH. How long were you at the Hawaiian Islands?

Mr. TAYLOR. Until the following June.

Chairman WALSH. What year?

Mr. TAYLOR. 1907.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. Came back to the States, and was immediately assigned to investigate either Dr. Gardner or some one else here, which was then the Department of Commerce and Labor.

Chairman WALSH. Then what?

Mr. TAYLOR. Department of Commerce and Labor.

Chairman WALSH. That brought you back to San Francisco?

Mr. TAYLOR. Yes, sir; that brought me back to San Francisco.

Chairman WALSH. Was that the first you had to do with Chinese matters?

Mr. TAYLOR. No, sir; when I got the deputy collector of customs at Gateway for smuggling Chinese in.

Chairman WALSH. How long were you detailed on that job?

Mr. TAYLOR. I could not say offhand; probably three months, I think, at that time.

Chairman WALSH. When did you first meet Frank Tape?

Mr. TAYLOR. Probably 1908 or 1909, I think.

Chairman WALSH. Was he your interpreter at Gateway?

Mr. TAYLOR. No, sir.

Chairman WALSH. Who was your interpreter at Gateway?

Mr. TAYLOR. I didn't have any. I had a negro smuggler there who was acting as informant.

Chairman WALSH. Was he an interpreter?

Mr. TAYLOR. No, sir.

Chairman WALSH. I don't understand why you tell me about a negro smuggler you had as informer there.

Mr. TAYLOR. You asked me if I had an interpreter working with me. You understand if I have an interpreter working with me I have him acting as informant.

Chairman WALSH. He was an interpreter?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. So that the negro was an interpreter?

Mr. TAYLOR. No, sir; he was an informer.

Chairman WALSH. It don't work around both ways?

Mr. TAYLOR. No, sir; unless he can speak Chinese.

Chairman WALSH. Will you try to follow me, please?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And not go away on anything, and if you can answer my question, do it.

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Tape was not your interpreter?

Mr. TAYLOR. No, sir.

Chairman WALSH. Who detailed you to go into this Chinese business?

Mr. TAYLOR. Mr. Wilkie, Chief of the Secret Service.

Chairman WALSH. Who was President at that time?

Mr. TAYLOR. Mr. Roosevelt.

Chairman WALSH. I suppose you being the bodyguard of the President gave you touch with all of these officers and gave you a good deal of influence?

Mr. TAYLOR. No, sir.

Chairman WALSH. How did you get raised to \$14 a day so quickly?

Mr. TAYLOR. I didn't get raised quickly. I got raised in about 10 years by working day and night and always making good.

Chairman WALSH. I thought it was while you were bodyguard for the President your pay got to \$14 a day?

Mr. TAYLOR. No, sir.

Chairman WALSH. What was the highest it got while you were bodyguard of the President?

Mr. TAYLOR. Probably \$5. I was hired at \$3 and remained a probationary period of six months, and I think then was raised to \$4, and at that time \$5 in the Secret Service was almost the highest.

Chairman WALSH. Were you in the Secret Service when you were sent to San Francisco on the Chinese business?

Mr. TAYLOR. I was in the Secret Service.

Chairman WALSH. Were you in the civil service?

Mr. TAYLOR. I was in the Secret Service.

Chairman WALSH. But you had never taken a civil-service examination?

Mr. TAYLOR. For what?

Chairman WALSH. For anything.

Mr. TAYLOR. No, sir.

Chairman WALSH. Have you ever since?

Mr. TAYLOR. No, sir.

Chairman WALSH. You got into the Chinese service through the Secret Service?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Now, you went from the Department of the Treasury to the Department of Commerce and Labor?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You were just transferred?

Mr. TAYLOR. No, sir; I resigned from one and was appointed to the other.

Chairman WALSH. Who appointed you in the Department of Commerce and Labor?

Mr. TAYLOR. Mr. Straus, I think it was. Mr. Sargent was Commissioner General.

Chairman WALSH. Who recommended you?

Mr. TAYLOR. I don't think I was recommended.

Chairman WALSH. Did Secretary Straus just discover you in the Treasury Department and—

Mr. TAYLOR. The Secretary asked the Secretary of the Treasury for a man to make an investigation.

Chairman WALSH. Who was the Secretary of the Treasury then?

Mr. TAYLOR. That was probably Mr. Shaw.

Chairman WALSH. And who was the Secretary of Commerce and Labor then?

Mr. TAYLOR. Mr. Straus. You understand prior to that time we investigated for every department.

Chairman WALSH. I understand.

Mr. TAYLOR. The law since then has prohibited it. I had to report to my Chief of the Secret Service department, but got my pay through the other department.

Chairman WALSH. Yes; I understand that. Now, then, your first work after you got into the Department of Commerce and Labor was what?

Mr. TAYLOR. My first work, I think, was investigating Dr. Gardner.

Chairman WALSH. How long did you remain in San Francisco at that time?

Mr. TAYLOR. That I could not say; probably three months.

Chairman WALSH. About three months?

Mr. TAYLOR. No, sir; not in San Francisco three months, but up and down the coast here.

Chairman WALSH. That was when? When did you make that investigation of Dr. Gardner?

Mr. TAYLOR. That was probably the fall or summer of 1907.

Chairman WALSH. The summer of 1907?

Mr. TAYLOR. That was the first work I did after I came back from the Hawaiian Islands, and the first work I ever did for the Immigration Office.

Chairman WALSH. I don't care about that; just try to keep your mind on the time.

Mr. TAYLOR. Very well.

Chairman WALSH. In 1907 you made an investigation of Dr. Gardner, and that is the only thing you were doing; you were not doing general investigating?

Mr. TAYLOR. No, sir.

Chairman WALSH. After you got through with Gardner's investigation what did you do?

Mr. TAYLOR. I think I took up the Mexican border.

Chairman WALSH. Smuggling?

Mr. TAYLOR. Smuggling.

Chairman WALSH. At whose request?

Mr. TAYLOR. Request of the Commissioner General then.

Chairman WALSH. Who was the Commissioner General?

Mr. TAYLOR. Mr. Sargent.

Chairman WALSH. Who was Commissioner General when you started work on the Gardner case in San Francisco?

Mr. TAYLOR. Mr. Sargent.

Chairman WALSH. Then Sargent sent you down to the Mexican border?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. How long did you stay down there?

Mr. TAYLOR. I was there probably two or three months.

Chairman WALSH. Investigating smuggling?

Mr. TAYLOR. Investigating smuggling.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. I think it was then I was called off and sent to Louisiana to investigate the Plaquemine lock frauds.

Chairman WALSH. Now, you had made an investigation in San Francisco and investigated on the Mexican border, and prior to that time you had made the Gateway investigation, and then you were taken away altogether?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And how long were you on this work?

Mr. TAYLOR. Probably three months.

Chairman WALSH. Then where did you go? Under whom did you make that investigation?

Mr. TAYLOR. Well, all those investigations I am speaking of now were made under the direction of Chief Wilkie.

Chairman WALSH. Yes; but was it under the Department of Commerce and Labor or some other department?

Mr. TAYLOR. No, sir; under the War Department.

Chairman WALSH. You were away from the Department of Commerce and Labor three months?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Then where did you go?

Mr. TAYLOR. I went back to the department.

Chairman WALSH. How did you come to go back; do you know?

Mr. TAYLOR. At their request.

Chairman WALSH. Who requested it?

Mr. TAYLOR. Whoever—probably the Secretary.

Chairman WALSH. Was Mr. Sargent the Commissioner General at that time?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Was Mr. Larned in the office at that time?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. What was Mr. Larned's position at that time?

Mr. TAYLOR. He has always been assistant commissioner.

Chairman WALSH. Assistant commissioner?

Mr. TAYLOR. Yes, sir; Assistant Commissioner General.

Chairman WALSH. Was any of your business with Mr. Larned?

Mr. TAYLOR. Only when he was Acting Commissioner General.

Chairman WALSH. Now, when you went back after investigating these frauds in Louisiana, what did you do next?

Mr. TAYLOR. I probably took up then southern California. That was in 1908.

Chairman WALSH. The smuggling business?

Mr. TAYLOR. The smuggling business. I think I went back at that time when the commission—the Immigration Commission—had their men there. I believe that is what I was assigned to.

Chairman WALSH. And that was under Roosevelt?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Was that under Roosevelt or Taft?

Mr. TAYLOR. Under Roosevelt; he appointed the commission.

Chairman WALSH. How long did you remain down there then?

Mr. TAYLOR. Probably two or three months.

Chairman WALSH. Probably two or three months; and when did you meet Tape?

Mr. TAYLOR. I think it was around 1908.

Chairman WALSH. Had you met Tape before you went down on this investigation?

Mr. TAYLOR. No, sir; he was sent here or to Los Angeles, I think, it was.

Chairman WALSH. Had you heard of Tape before you met him?

Mr. TAYLOR. Yes, sir; I investigated him some time before that.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. In St. Louis.

Chairman WALSH. For the Department of Commerce and Labor?

Mr. TAYLOR. Yes.

Chairman WALSH. When was it you investigated him; what was the date of that investigation?

Mr. TAYLOR. I could not tell you off hand. It was some time prior to that.

Chairman WALSH. Approximately, when was it?

Mr. TAYLOR. It must have been around 1907.

Chairman WALSH. Now, then, that must have been—how long were you in St. Louis?

Mr. TAYLOR. Not more than a week probably.

Chairman WALSH. Were you there just to investigate Tape?

Mr. TAYLOR. I think so, at that time. I have been there so often—

Chairman WALSH. What was he charged with?

Mr. TAYLOR. Charged with discriminating—

Chairman WALSH. Grafting?

Mr. TAYLOR. Grafting, accepting money from the Chinese, fighting the Chinese, I believe.

Chairman WALSH. Did your report exonerate him?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Was that after you had made the Gateway investigation, the investigation of Dr. Gardner, the investigation of the Mexican border, and then the investigation for the War Department into the frauds in Louisiana?

Mr. TAYLOR. That must have been in the meantime.

Chairman WALSH. It was in between there some place?

Mr. TAYLOR. As to the exact date, I can't fix it in my mind. It was undoubtedly in there. It was only a short run up there.

Chairman WALSH. You can't give the date. Would you say it was before or after you made the investigation in Louisiana?

Mr. TAYLOR. I could not honestly say.

Chairman WALSH. You heard of him in San Francisco?

Mr. TAYLOR. I heard of him?

Chairman WALSH. You knew of Tape before you were sent to investigate him?

Mr. TAYLOR. Only probably by name.

Chairman WALSH. Now, you investigated him in St. Louis and exonerated him?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. When did you meet him next?

Mr. TAYLOR. I never met him at that time.

Chairman WALSH. You didn't meet him while conducting the investigation. When did you meet him?

Mr. TAYLOR. It must have been 1908. He was sent to southern California to work with me, I think, in 1908.

Chairman WALSH. When did you meet him?

Mr. TAYLOR. That is what I say. I think it was the fall of 1908.

Chairman WALSH. And where did you meet him?

Mr. TAYLOR. Either here or Los Angeles. I don't know if I was here and went to Los Angeles, or whether he was sent to Los Angeles to join me there.

Chairman WALSH. Did he begin to act as your interpreter then?

Mr. TAYLOR. He acted not as interpreter so much as investigator.

Chairman WALSH. Was he an interpreter in St. Louis?

Mr. TAYLOR. He was an interpreter in St. Louis; yes, sir.

Chairman WALSH. Was there anything in your investigation that might lead you to believe Tape was a dishonest person?

Mr. TAYLOR. No, sir.

Chairman WALSH. The charges you found to be wholly unfounded?

Mr. TAYLOR. Yes, sir; and they admitted they were.

Chairman WALSH. They admitted to you they were?

Mr. TAYLOR. They admitted to me they were. Congressman Dyer is the man who started them, and he said he didn't know what he was doing, that he was acting as attorney and got paid for it.

Chairman WALSH. Did you see the witnesses or fail to see them?

Mr. TAYLOR. I saw the witnesses and saw there was no such case as they made him believe there was. He very politely told me it was a frame-up, and he was sorry.

Chairman WALSH. Congressman Dyer?

Mr. TAYLOR. Ex-Congressman now. I didn't know then who it was, but I discovered when I got there.

Chairman WALSH. What was your own detail when you first met Tape?

Mr. TAYLOR. Investigating smuggling in southern California.

Chairman WALSH. Were you detailed to some particular place?

Mr. TAYLOR. I don't think so.

Chairman WALSH. By whom?

Mr. TAYLOR. All my details are by the Commissioner General.

Chairman WALSH. When did you begin to operate as general investigator of Chinese matters alone?

Mr. TAYLOR. I never have. I have charge of them now, but I have also everything else that is wrong.

Chairman WALSH. Who placed you in charge?

Mr. TAYLOR. The Secretary?

Chairman WALSH. What Secretary?

Mr. TAYLOR. Secretary Wilson.

Chairman WALSH. And prior to being placed in charge by Secretary Wilson you were in charge——

Mr. TAYLOR. I was doing the work. I will explain that very quickly.

Chairman WALSH. No; my question is, Prior to being placed in charge by Secretary Wilson, had you served four years under the prior administration?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And in this same line of work?

Mr. TAYLOR. In this same line of work; yes, sir; but let me explain.

Chairman WALSH. Just try to note it and explain afterwards, will you?

Mr. TAYLOR. All right.

Chairman WALSH. When did you get to be bodyguard for President Wilson?

Mr. TAYLOR. When he was elected; the day after he was elected.

Chairman WALSH. And at that time what was your compensation?

Mr. TAYLOR. With him?

Chairman WALSH. At the time you were detailed with him as bodyguard, what was your compensation?

Mr. TAYLOR. Six dollars a day, and \$4—\$10 a day.

Chairman WALSH. Before you went to work as bodyguard for the President?

Mr. TAYLOR. No, sir; when I went to him.

Chairman WALSH. When you went to him you were making general investigations into Chinese affairs?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. What was your compensation?

Mr. TAYLOR. Three and five.

Chairman WALSH. You were making \$8 a day?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Where did you work?

Mr. TAYLOR. Everywhere.

Chairman WALSH. Who detailed you to act as bodyguard for President Wilson?

Mr. TAYLOR. Mr. Wilkie asked me. You understand, there was no provision for a bodyguard for him.

Chairman WALSH. Did you speak to Mr. Wilkie about it?

Mr. TAYLOR. I did.

Chairman WALSH. You did?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Where were you when you spoke to Mr. Wilkie about it?

Mr. TAYLOR. In Washington.

Chairman WALSH. How long had you been there?

Mr. TAYLOR. That I could not say.

Chairman WALSH. Did you go there for that purpose?

Mr. TAYLOR. Oh, no.

Chairman WALSH. How did you happen to speak to Mr. Wilkie about it?

Mr. TAYLOR. Because I always felt I was under Mr. Wilkie. Mr. Wilkie made me, and I said, "Whenever you want me at anything, at any figure, send for me, and I will come with you."

Chairman WALSH. Did you go there with the idea of getting acquainted with the new President?

Mr. TAYLOR. No, sir.

Chairman WALSH. And thus be enabled to continue, in so far as you were doing it, to control the Chinese situation?

Mr. TAYLOR. No, sir; I did not control it.

Chairman WALSH. Had you ever met President Wilson?

Mr. TAYLOR. I probably had.

Chairman WALSH. Now, you served all the way through President Roosevelt's administration and served all the way through President Taft's adminis-

tration, and then went to Washington and asked Wilkie to have you assigned as bodyguard for President Wilson?

Mr. TAYLOR. No, sir; I did not.

Chairman WALSH. You asked Wilkie to have you assigned as bodyguard for President Wilson?

Mr. TAYLOR. No, sir; I did not.

Chairman WALSH. I thought you said so awhile ago.

Mr. TAYLOR. I said Mr. Wilkie approached me about it.

Chairman WALSH. Mr. Wilkie approached you about it?

Mr. TAYLOR. We were talking, and I asked him what he was going to do. He says, "I do not know what I can do; I have not got any man that wants it."

Chairman WALSH. You asked him what he was going to do about what?

Mr. TAYLOR. About detalling a man with the new President.

Chairman WALSH. You asked him what he was going to do?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You were a friend of Wilkie's, of course?

Mr. TAYLOR. Yes, sir; Mr. Wilkie made me.

Chairman WALSH. Mr. Wilkie made you?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Did you know him before you went into the service?

Mr. TAYLOR. No, sir; I did not.

Chairman WALSH. You asked him what he was going to do about having a bodyguard for the President?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Was it difficult to get a bodyguard for the President?

Mr. TAYLOR. Yes, sir; it is.

Chairman WALSH. What did he say?

Mr. TAYLOR. Well, I don't know what his first reply——

Chairman WALSH. What was his second reply?

Mr. TAYLOR. "Would I go." "Would I go for a reduction in salary?" And I told him I would go for anything he would give me. I would go for nothing.

Chairman WALSH. That was on account of your devotion to Mr. Wilkie?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Not that you cared to be bodyguard for the President?

Mr. TAYLOR. Well, I don't think I would care for that.

Chairman WALSH. You didn't go there for the purpose of also knowing the next President who came in intimately and well?

Mr. TAYLOR. No, sir; I had no necessity for that.

Chairman WALSH. You said your wife died there some time, I believe, in your statement. When did you become a widower? I thought you said some time that your wife died.

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And when you went to the White House were you a widower?

Mr. TAYLOR. When I went to the White House?

Chairman WALSH. Are you the gentleman that married the stenographer of the President?

Mr. TAYLOR. I married the governor's private secretary.

Chairman WALSH. You knew her before you went to act as bodyguard at the White House?

Mr. TAYLOR. I did not. President Wilson introduced me to her.

Chairman WALSH. At the White House?

Mr. TAYLOR. No, sir; at the executive mansion in Trenton.

Chairman WALSH. Did you go to act as bodyguard after the election and before the inauguration?

Mr. TAYLOR. After he was elected and before he was inaugurated.

Chairman WALSH. You went to Trenton, and how long after going to Trenton were you married?

Mr. TAYLOR. I went in September and married the following April.

Chairman WALSH. At Washington?

Mr. TAYLOR. No, sir; Trenton.

Chairman WALSH. You acted as bodyguard for President Wilson during what period of time?

Mr. TAYLOR. From the time he was elected until he was inaugurated. I brought him to Washington.

Chairman WALSH. After he was inaugurated, what did you do?

Mr. TAYLOR. I resigned from the service.

Chairman WALSH. Resigned from the Secret Service then?

Mr. TAYLOR. Yes, sir; resigned from the Secret Service.

Chairman WALSH. You were well acquainted with the President?

Mr. TAYLOR. Well acquainted with him, yes, sir. We were both from the same town, and I went back there with him.

Chairman WALSH. But you didn't know him prior to the time you received the assignment?

Mr. TAYLOR. I knew of him, and I think I had met him in Princeton.

Chairman WALSH. You probably knew of him. You think you had met him in a personal way in Princeton?

Mr. TAYLOR. I am under the impression I went there with Mr. Roosevelt one time.

Chairman WALSH. You don't remember definitely whether you met him at Princeton or not?

Mr. TAYLOR. I could not say definitely.

Chairman WALSH. When you resigned from the Secret Service what appointment did you receive?

Mr. TAYLOR. I didn't receive any until the following July.

Chairman WALSH. What appointment did you receive then?

Mr. TAYLOR. Back to the same position I was.

Chairman WALSH. Who appointed you?

Mr. TAYLOR. Mr. Keefe recommended me.

Chairman WALSH. Who?

Mr. TAYLOR. Mr. Keefe asked me to come back.

Chairman WALSH. What were you doing before you were asked to come back?

Mr. TAYLOR. I was with Mr. Wilson up to the time I resigned.

Chairman WALSH. Then you didn't do anything until July, when you were appointed?

Mr. TAYLOR. I was already appointed. It didn't take effect until the 1st of July.

Chairman WALSH. You were appointed at once?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Who made the appointment?

Mr. TAYLOR. Secretary Wilson.

Chairman WALSH. At whose request?

Mr. TAYLOR. Well, when I left there and went back to Washington with President Wilson the Commissioner General asked me to come over and go to work for him. I told him——

Chairman WALSH. Then you went at the request of the Commissioner General without any other request by any other person whatever?

Mr. TAYLOR. I went at the request of the Commissioner General without any request by any other person.

Chairman WALSH. Did you apply for it?

Mr. TAYLOR. Just let me explain, and I will tell you how it was.

Chairman WALSH. Did you apply for it?

Mr. TAYLOR. After that I made formal application.

Chairman WALSH. Did you apply for a position under the Commissioner General before he sent for you and asked you to go to work again?

Mr. TAYLOR. No, sir.

Chairman WALSH. After he sent for you and asked you to go to work again you made formal application?

Mr. TAYLOR. And told him I could not go to work for him——

Chairman WALSH. Then you made formal application?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. How quickly after you went over there did you make this formal application?

Mr. TAYLOR. Probably two or three weeks.

Chairman WALSH. And that application was for what position?

Mr. TAYLOR. Reinstatement.

Chairman WALSH. Into——

Mr. TAYLOR. The Immigration Service.

Chairman WALSH. Without any connection, then, with the Secret Service Department?

Mr. TAYLOR. No, sir.

Chairman WALSH. But under the Department of Labor?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Who made the appointment?

Mr. TAYLOR. Secretary Willson.

Chairman WALSH. Did he make any investigation before he made your appointment that you know of?

Mr. TAYLOR. Not that I know of.

Chairman WALSH. Who recommended you to Secretary Willson?

Mr. TAYLOR. The Commissioner General.

Chairman WALSH. Who was he then?

Mr. TAYLOR. Mr. Keefe. My request for reinstatement was indorsed by the President.

Chairman WALSH. Then you went in under Secretary Willson on an application indorsed by Mr. Keefe and recommended by the President?

Mr. TAYLOR. Approved by the President.

Chairman WALSH. And that is what you are working under now?

Mr. TAYLOR. Yes.

Chairman WALSH. Now, I want you to begin at the beginning and give the commission your connection with Frank Tape, your first connection with Frank Tape; what he ever did for you; what work you were doing while he was with you; as concisely and briefly as you can.

Mr. TAYLOR. My first work with Tape was in southern California. I took him there and put him in jail with four Chinese——

Chairman WALSH. How is that?

Mr. TAYLOR. My first work was here. I put him in jail with four Chinese as contraband. They were brought across, I think, in the vicinity of Mexicala, and one of the smugglers was supposed to have been murdered and shot. I put him in as contraband to find out from them what happened.

Chairman WALSH. Say, do you know how he quit being an interpreter and became a man that you put in as contraband, an inspector, investigator?

Mr. TAYLOR. He has never quit being an interpreter.

Chairman WALSH. He is still an interpreter?

Mr. TAYLOR. He is.

Chairman WALSH. You put him in, do you?

Mr. TAYLOR. As what?

Chairman WALSH. As a detective?

Mr. TAYLOR. I have used him as a detective.

Chairman WALSH. Did anybody else ever use him as a detective that you know of?

Mr. TAYLOR. Why, he was used continuously in the service.

Chairman WALSH. Are all interpreters used as detectives?

Mr. TAYLOR. Whenever we can use them.

Chairman WALSH. It is the practice of the department whenever you can use an interpreter as a detective to do so?

Mr. TAYLOR. If we can; yes, sir, I ask the interpreter—I ask for an interpreter——

Chairman WALSH. I don't care for any other case. I just want to know if that is the custom.

Mr. TAYLOR. Yes.

Chairman WALSH. And you put him in jail; you had some alleged smugglers. Go ahead.

Mr. TAYLOR. He worked with me then for probably three months. We raided——

Chairman WALSH. Where?

Mr. TAYLOR. In southern California; San Bernardino—through that section.

Chairman WALSH. All right. He worked in general work, detective work, uncovering smugglers. Where did you meet him again?

Mr. TAYLOR. The next time I met him was in the fall of 1911.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. In New York City.

Chairman WALSH. What was he working on there?

Mr. TAYLOR. I asked for an interpreter to join me there to go to Jamaica.

Chairman WALSH. Did you ask for him?

Mr. TAYLOR. Why, no; I think I asked for Chin Toy, another interpreter.

Chairman WALSH. You sent for an interpreter?

Mr. TAYLOR. Yes.

Chairman WALSH. I understand that is a matter of record.

Mr. TAYLOR. Yes.

Chairman WALSH. You didn't send for Tape, that he might go with you to Jamaica?

Mr. TAYLOR. No; I couldn't send him. We have to ask the Commissioner General——

Chairman WALSH. You didn't send for him, then?

Mr. TAYLOR. No; I didn't have any authority. I can't send for a man.

Chairman WALSH. And then where did you first meet him in connection with your trip to Jamaica?

Mr. TAYLOR. In New York.

Chairman WALSH. In New York?

Mr. TAYLOR. He joined me in New York.

Chairman WALSH. How long did you stay in New York?

Mr. TAYLOR. A couple of days.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. Went to Kingston, Jamaica.

Chairman WALSH. What was your general business there, at Kingston, Jamaica?

Mr. TAYLOR. A large number of Chinese were going to——

Chairman WALSH. Your general business?

Mr. TAYLOR. To find out whether Chinese were coming over from Jamaica into the United States.

Chairman WALSH. Very good. You had Tape there with you?

Mr. TAYLOR. Had him with me; yes.

Chairman WALSH. How long were you in Jamaica?

Mr. TAYLOR. We were there probably two months.

Chairman WALSH. Then where did you go from Jamaica?

Mr. TAYLOR. Habana.

Chairman WALSH. How long were you there?

Mr. TAYLOR. Just about a month.

Chairman WALSH. Where did you go then?

Mr. TAYLOR. Mexico.

Chairman WALSH. Was Tape with you up until the time you went to Mexico?

Mr. TAYLOR. Oh, no; he left ahead of me.

Chairman WALSH. He left you at Habana?

Mr. TAYLOR. He left me at Habana.

Chairman WALSH. Where did he go? Do you know?

Mr. TAYLOR. Up home.

Chairman WALSH. Where did you go to?

Mr. TAYLOR. Went to the frontier, Mexico.

Chairman WALSH. How long did you stay in Mexico?

Mr. TAYLOR. Three weeks.

Chairman WALSH. When did you see Tape again?

Mr. TAYLOR. Last winter, I think it was.

Chairman WALSH. Is Tape a friend of yours—a personal friend?

Mr. TAYLOR. Why, I like Tape; yes.

Chairman WALSH. Is he a personal friend of yours?

Mr. TAYLOR. Why, I don't know just how to answer.

Chairman WALSH. Do you visit in his family, go riding with him, and everything?

Mr. TAYLOR. He is friendly; yes, sir. I like Tape; always have liked.

Chairman WALSH. I know you like him. Is he a personal friend, an acquaintance? Do you visit back and forth?

Mr. TAYLOR. Why, I probably been in his house; I think I was in his house twice.

Chairman WALSH. Have you met his wife?

Mr. TAYLOR. Oh, yes; I have met his wife.

Chairman WALSH. Has he met your wife?

Mr. TAYLOR. Yes.

Chairman WALSH. Has his wife met your wife?

Mr. TAYLOR. Yes.

Chairman WALSH. How frequently?

Mr. TAYLOR. Why, quite often.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. In Seattle.

Chairman WALSH. Did you go driving with them?

Mr. TAYLOR. Yes.

Chairman WALSH. It's common, isn't it, for Chinamen to graft off of each other?

Mr. TAYLOR. For Chinamen to graft off; yes.

Chairman WALSH. Very common?

Mr. TAYLOR. Yes; universal.

Chairman WALSH. It is universal. The way they are inclined to do is, when they see a big official out with some one, they think he has the pull with the official. Isn't that it?

Mr. TAYLOR. Why, no; I wouldn't say that.

Chairman WALSH. They wouldn't do it that way? Did you ride publicly with Tape in Seattle?

Mr. TAYLOR. Yes.

Chairman WALSH. And all those Chinamen knew you were a man in general charge?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Of this sort of business?

Mr. TAYLOR. Yes.

Chairman WALSH. Did you know Tape was a grafter?

Mr. TAYLOR. No, sir; don't know it now.

Chairman WALSH. Do you think he is a good man still?

Mr. TAYLOR. If Tape has got any money from Chinese, I have got to—I am from Missouri, and I hope everybody else will be who handles his case.

Chairman WALSH. You are very anxious that Tape should be—that the investigation should be very careful?

Mr. TAYLOR. Be square; that is all.

Chairman WALSH. Should be square. Up to this time you have no thought but that Tape was an innocent man?

Mr. TAYLOR. I have no evidence whatever one way or the other.

Chairman WALSH. Have you received a letter from him in the last week?

Mr. TAYLOR. Yes.

Chairman WALSH. Have you got that letter with you?

Mr. TAYLOR. No.

Chairman WALSH. Will you produce the letter?

Mr. TAYLOR. I don't think I have it. I know I haven't.

Chairman WALSH. Where is it?

Mr. TAYLOR. Tore it up.

Chairman WALSH. Why did you tear it up?

Mr. TAYLOR. Wasn't anything to keep.

Chairman WALSH. Didn't he tell you what he was asked before this commission in executive session?

Mr. TAYLOR. No; he didn't tell me what he said.

Chairman WALSH. Do you swear on your oath that he didn't tell you that he went before this commission in executive session and refused to answer its questions on the ground it might tend to incriminate him?

Mr. TAYLOR. He said he didn't answer any questions.

Chairman WALSH. Didn't tell you he refused to answer on the ground it might tend to incriminate him?

Mr. TAYLOR. Yes; probably used that language.

Chairman WALSH. Did you advise him?

Mr. TAYLOR. No.

Chairman WALSH. What to do?

Mr. TAYLOR. No.

Chairman WALSH. Did you write back a letter to him?

Mr. TAYLOR. No.

Chairman WALSH. Did you send any telegram?

Mr. TAYLOR. No.

Chairman WALSH. What was the communication you had with him before you received that letter?

Mr. TAYLOR. Not a word.

Chairman WALSH. How did he happen to write to you and tell you that he had refused to answer the commission's questions on the ground that it might tend to incriminate him?

Mr. TAYLOR. He sent a clipping.

Chairman WALSH. Did he look on you as a sort of adviser—sort of a friend?

Mr. TAYLOR. No.

Chairman WALSH. And you knew that this commission was appointed by Congress to investigate thievery and graft, didn't you?

Mr. TAYLOR. I didn't know that; no.

Chairman WALSH. You didn't know that?

Mr. TAYLOR. It wouldn't have made any difference if I had. I certainly didn't give him any advice.

Chairman WALSH. You didn't give him any notice, didn't give him any advice that he was under investigation?

Mr. TAYLOR. No; if it was an honest investigation, if anybody was investigating who had no right, I would certainly advise him of his rights.

Chairman WALSH. You would?

Mr. TAYLOR. But not of this commission.

Chairman WALSH. What do you call an honest investigation of Tape?

Mr. TAYLOR. What do I call it?

Chairman WALSH. Yes.

Mr. TAYLOR. Facts.

Chairman WALSH. Facts?

Mr. TAYLOR. Anything that can be proved.

Chairman WALSH. You would advise him, then, no matter whether it had authority from the Government or not, if you didn't think it was honest, that the facts were not being properly gathered, then you would advise Tape in regard to the matter, so that he could take care of himself?

Mr. TAYLOR. I would advise him if some one did the investigating who wasn't authorized.

Chairman WALSH. Has anybody ever investigated Tape to your knowledge who has been unauthorized?

Mr. TAYLOR. Not that I know of; I don't know anything about it.

Chairman WALSH. Tell me if you ever had in your mind, if you have in your mind now any case in which any investigation was made of Tape by any unauthorized persons.

Mr. TAYLOR. I don't think I have.

Chairman WALSH. You don't have any?

Mr. TAYLOR. No.

Chairman WALSH. But you don't feel—or do you feel that your intimacy is so close with Frank Tape that you ought to advise him in any way of an investigation that was made into his conduct?

Mr. TAYLOR. Why, yes; I would advise him, I should say, to go before this commission and tell the facts, not anything you hear, but you tell the facts.

Chairman WALSH. Was that in writing?

Mr. TAYLOR. No.

Chairman WALSH. Did you write him a letter?

Mr. TAYLOR. No; I did not.

Chairman WALSH. Where did you have your talk with him?

Mr. TAYLOR. Not when he was being investigated.

Chairman WALSH. Did you go out to see him for that——

Mr. TAYLOR. No; I did not.

Chairman WALSH. Had you ever given him any money?

Mr. TAYLOR. Did I ever?

Chairman WALSH. Yes.

Mr. TAYLOR. No.

Chairman WALSH. Did Tape ever give you any?

Mr. TAYLOR. Every give me any?

Chairman WALSH. Yes; ever give you any money which was the proceeds of money that he had collected from Chinamen.

Mr. TAYLOR. No; he did not.

Chairman WALSH. What property have you now?

Mr. TAYLOR. I haven't—\$21 in my bank and my salary coming to me.

Chairman WALSH. Do you have a bank account in any bank?

Mr. TAYLOR. I have an account in a bank in San Francisco—Los Angeles.

Chairman WALSH. What bank?

Mr. TAYLOR. The National Bank of California.

Chairman WALSH. What other banks have you accounts in?

Mr. TAYLOR. I haven't any account in any other bank.

Chairman WALSH. Is that the only bank?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. How long have you had an account in that bank?

Mr. TAYLOR. Probably two years.

Chairman WALSH. For probably two years. Where have you lived for the past year?

Mr. TAYLOR. On the road probably half of the time.

Chairman WALSH. What do you call your home?

Mr. TAYLOR. I haven't any.

Chairman WALSH. Why do you make your deposits in a bank at Los Angeles?

Mr. TAYLOR. I happened to be down there, and a friend of mine was in the bank. I went to the hospital about two years and a half ago, and had no bank to place my money in, and opened an account.

Chairman WALSH. Have you an account in any other bank?

Mr. TAYLOR. No. I did in a bank at Princeton, but it is closed.

Chairman WALSH. You have no account there?

Mr. TAYLOR. No.

Chairman WALSH. Have you your bank book with you?

Mr. TAYLOR. I believe I have. I have \$21.70.

Chairman WALSH. Will you produce your bank book at 2 o'clock this afternoon?

Mr. TAYLOR. I certainly will; yes, sir.

Chairman WALSH. We will now stand adjourned until 2 o'clock sharp.

Please return at that time, Mr. Taylor.

(Whereupon at 12.30 o'clock p. m., an adjournment was taken until 2 o'clock p. m. of the same day, Friday, September 4, 1914.)

AFTER RECESS—2 P. M.

Met pursuant to adjournment. Present as before.

Commissioner GARRETSON. Are you ready?

Chairman WALSH. Yes; we will proceed.

Commissioner GARRETSON. The commission will be in order.

Chairman WALSH. I think when we adjourned here I had asked you to produce your bank book.

Mr. TAYLOR. Yes; I have here, fortunately, a full abstract.

Chairman WALSH. I just want to see the bank book.

Mr. TAYLOR. Well, it is right here. I have a new bank book. I left the other one in Trenton, so here is a full statement of the account. That is a duplicate book. There is my first deposit of \$602, when I opened the account.

Chairman WALSH. You have no other bank account except this?

Mr. TAYLOR. Except the one I had in Princeton.

Chairman WALSH. And you have no account in that bank at the present time?

Mr. TAYLOR. I have no account there. I never had anything to amount to anything there, and it is overdrawn. There is the rest of the deposits; you will see that they are simply a small checking—

Chairman WALSH. I want to give this to Mr. Busiek; he will want to check that over.

Mr. TAYLOR. Now, I also brought Mrs. Taylor's accounts, so if you—

Chairman WALSH. Well, that was very good of you.

Mr. TAYLOR. I infer from your remarks that somebody has said that I have been grafting, and that is the first time I have ever heard anything of that kind.

Chairman WALSH. Now, if you will just direct yourself to these questions.

Mr. TAYLOR. Yes; that is all right.

Chairman WALSH. And leave out the inferences.

Mr. TAYLOR. All right, sir.

Chairman WALSH. This is—

Mr. TAYLOR. This is Mrs. Taylor's account; yes, sir; and where it is changed since we were married.

Chairman WALSH. That is down to August 22, 1914?

Mr. TAYLOR. Down to August 22, 1914.

Chairman WALSH. Well, you can just keep that. We just wanted to see that.

Mr. TAYLOR. Well, we bought two little houses with this, paid \$1,400 on them. That is the extent of our belongings.

Chairman WALSH. Now, where do you stop when you are in Los Angeles?

Mr. TAYLOR. For years I have stopped at the Colonial. The last time I was there I had a bungalow out in Hollywood.

Chairman WALSH. Have you an office in Buffalo?

Mr. TAYLOR. An office; yes, sir.

Chairman WALSH. Where is your office in Buffalo?

Mr. TAYLOR. We have two in Buffalo; one at Black Rock, and this last time I was there I engaged a room in the post-office building.

Chairman WALSH. Where do you live when you are in Buffalo?

Mr. TAYLOR. Castle Inn.

Chairman WALSH. That is a hotel, is it?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. It is right on Niagara Square.

Chairman WALSH. When was the last time you saw Tape?

Mr. TAYLOR. The 30th, I think it was, of July.

Chairman WALSH. The 30th of July?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. When had you seen him prior to that time?

Mr. TAYLOR. I had not seen him—I discharged him, or he was taken from me on the 22d of July.

Chairman WALSH. What year?

Mr. TAYLOR. Last year.

Chairman WALSH. When did you see him prior to July 22 last year?

Mr. TAYLOR. He was working with me from about the 29th of June until that time.

Chairman WALSH. Now, prior to the 29th of June where had he been?

Mr. TAYLOR. In Seattle, as far as I know.

Chairman WALSH. And had he been working with you prior to that time?

Mr. TAYLOR. I was not there until that time. He was working under my instructions.

Chairman WALSH. Whereabouts?

Mr. TAYLOR. In Seattle.

Chairman WALSH. Had he been staying at Seattle for some length of time?

Mr. TAYLOR. As far as I know, he had been there ever since he made the trip to Jamaica with me. I had not seen him in the meantime.

Chairman WALSH. When had you seen him prior to the 29th of June?

Mr. TAYLOR. When I left him in Cuba two years before.

Chairman WALSH. And you hadn't seen him in the meantime?

Mr. TAYLOR. No, sir.

Chairman WALSH. Had you visited him in Seattle?

Mr. TAYLOR. In the meantime?

Chairman WALSH. Yes, sir.

Mr. TAYLOR. No, sir; I had not been to Seattle.

Chairman WALSH. You had not been to Seattle and had not seen him?

Mr. TAYLOR. No, sir; I had not seen him at all.

Chairman WALSH. Hadn't seen him any place in the United States?

Mr. TAYLOR. No, sir.

Chairman WALSH. For two years prior to the 29th of June you hadn't seen him any place in the United States?

Mr. TAYLOR. I saw him while I was in Seattle last winter. I went to Seattle last fall and stayed there three weeks and left there and then went back. He was not working for me, however.

Chairman WALSH. When did you first meet his wife?

Mr. TAYLOR. Then, last fall.

Chairman WALSH. Did you say anything to Commissioner General Caminetti about Tape. Did you tell him Tape was a good man?

Mr. TAYLOR. Probably did; I have told everybody that.

Chairman WALSH. You told him he was a reliable man?

Mr. TAYLOR. Told him he was thoroughly reliable as far as I knew.

Chairman WALSH. Were you at Seattle at the same time Commissioner Caminetti was there?

Mr. TAYLOR. No, sir.

Chairman WALSH. Where was Commissioner Caminetti when you told him Tape was a good and reliable man?

Mr. TAYLOR. I can't say positively I told him that.

Chairman WALSH. Did you tell him. I want you to say positively.

Mr. TAYLOR. I can't say positively. If I ever had a conversation with him about him, I did, but I can't say I ever had a conversation with Commissioner Caminetti about him.

Chairman WALSH. When did you see Caminetti prior to the time he went to Seattle?

Mr. TAYLOR. At the time I left Washington, probably two months prior to that.

Chairman WALSH. Did you have a conversation with him about Tape, and did you tell him Tape was a thoroughly reliable man, and was one of the men you would have seen when he went to Seattle?

Mr. TAYLOR. No, sir; I did not. I didn't mention having anyone see him.

Chairman WALSH. Did you have any conversation with him about Tape, that you recall?

Mr. TAYLOR. I would say positively prior to that I hadn't.

Chairman WALSH. Prior to what?

Mr. TAYLOR. Prior to the time he went to Seattle, and I am almost able to say that positively I never mentioned Tape personally to Mr. Caminetti one way or the other.

Chairman WALSH. Did you carry on a correspondence with Mr. Tape back prior to the 29th day of June for the two years you hadn't seen him?

Mr. TAYLOR. Why, he would probably write me occasionally.

Chairman WALSH. Personal letters?

Mr. TAYLOR. Mostly; yes, sir.

Chairman WALSH. Were they about official business? Did they refer to official business?

Mr. TAYLOR. He wrote me one letter that the Chinese interpreter in Philadelphia—that he did not believe that he was right.

Chairman WALSH. Didn't think he was honest. Just wrote you one letter he thought he had discovered another—

Mr. TAYLOR. I am talking about the ones that were official, and I think he wrote me after I was there last fall that Chinese students—that he heard Chinese students were going to college, and I investigated that.

Chairman WALSH. Any other letters?

Mr. TAYLOR. Those are the only ones that I recall that were official. He did write me about—oh, I should say probably he has written me half a dozen letters.

Chairman WALSH. Personal letters?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Have you those letters?

Mr. TAYLOR. No, sir; I never kept them.

Chairman WALSH. What did you do with them?

Mr. TAYLOR. Tore them up.

Chairman WALSH. Do you tear up all your personal letters?

Mr. TAYLOR. If they amount to nothing, I do.

Chairman WALSH. You considered these amounted to nothing?

Mr. TAYLOR. Absolutely.

Chairman WALSH. You were never connected with him in any business enterprise?

Mr. TAYLOR. I certainly was not.

Chairman WALSH. Did you know what he was doing in Seattle prior to the 29th of June, when you say you met him there, after two years?

Mr. TAYLOR. I said I met him last fall the first time after we returned from Cuba. I was there three weeks.

Chairman WALSH. How long were you with him in the fall?

Mr. TAYLOR. I was there three weeks.

Chairman WALSH. Were you in any business enterprise with him?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did he tell you he was a gambler and making large sums of money that way?

Mr. TAYLOR. No, sir; he did not.

Chairman WALSH. Would you have stood for that as a Government official and interpreter?

Mr. TAYLOR. I would have reported it.

Chairman WALSH. You would have reported it forthwith?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Didn't he tell you he was winning large sums gambling?

Mr. TAYLOR. No, sir; he told me that the last time.

Chairman WALSH. When was that?

Mr. TAYLOR. After the investigation was started.

Chairman WALSH. After the investigation started?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. When was it he told you that?

Mr. TAYLOR. Just about the time he quit work for me.

Chairman WALSH. About the time that he was suspended?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. That was the first time you knew it?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. When you were driving around with him and calling on him and he calling on you, didn't you have any discussion about what he was doing privately?

Mr. TAYLOR. No, sir. It was generally understood, the general impression throughout the service, that he married a woman with money.

Chairman WALSH. That is all you knew?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You never knew he was doing anything dishonest, if he was?

Mr. TAYLOR. No, sir.

Chairman WALSH. And if he was in the gambling business or any business you didn't know it?

Mr. TAYLOR. No, sir.

Chairman WALSH. And you had no concern in it?

Mr. TAYLOR. None in the world.

Chairman WALSH. Now, in any of these letters that he wrote you during that year, did he refer to any business proposition that he had, gambling or otherwise?

Mr. TAYLOR. No, sir.

Chairman WALSH. You are sure of that?

Mr. TAYLOR. I am sure of that.

Chairman WALSH. Your recollection is clear on that?

Mr. TAYLOR. Yes.

Chairman WALSH. And he never told you about any?

Mr. TAYLOR. No.

Chairman WALSH. Now, you say that he told you he had been gambling when the investigation started. Who made the investigation?

Mr. TAYLOR. A man by the name of Bonham.

Chairman WALSH. Where was he from?

Mr. TAYLOR. Portland.

Chairman WALSH. What was his business? Was he a Government official?

Mr. TAYLOR. He is an inspector; he is an investigator; this is the man that has been making this investigation. He is under investigation now.

Chairman WALSH. This same man?

Mr. TAYLOR. Yes.

Chairman WALSH. Bonham?

Mr. TAYLOR. That is the first time any question ever occurred to me about where he got his money. He never told me that his wife married—I heard that.

Chairman WALSH. You just heard that?

Mr. TAYLOR. I heard that, common talk.

Chairman WALSH. Did you ever learn that this woman that he married, he had lived with her before he married her, and that she was the wife of another man?

Mr. TAYLOR. I learned that just before I left Seattle, from Commissioner White.

Chairman WALSH. From Commissioner White?

Mr. TAYLOR. I want to state right here personally I would not believe Commissioner White under oath.

Chairman WALSH. Yes. You wouldn't believe him under oath?

Mr. TAYLOR. No.

Chairman WALSH. Yes. You would not believe him under oath.

Mr. TAYLOR. That is—

Chairman WALSH. Well, now, one minute, I am going to say this to you, that we didn't ask Commissioner White for his opinion of you.

Mr. TAYLOR. Well—

Chairman WALSH. And we are not going to let you put anything in the record reflecting on him at this time.

Mr. TAYLOR. Well, I don't want to. I am just stating that he is the only man—

Chairman WALSH. You just omit your personal opinion of anyone I mention here.

Mr. TAYLOR. All right, sir.

Chairman WALSH. Now, who was this Mr. Bonham?

Mr. TAYLOR. He is an inspector from Portland?

Chairman WALSH. An inspector in what department?

Mr. TAYLOR. Our department.

Chairman WALSH. And how long has he been out there?

Mr. TAYLOR. He came probably a week before I left.

Chairman WALSH. Did Tape know him?

Mr. TAYLOR. I believe Tape knows him.

Chairman WALSH. And when was it you left, what was the date?

Mr. TAYLOR. On the—about the first.

Chairman WALSH. First of what?

Mr. TAYLOR. First of August.

Chairman WALSH. First of August?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And when had you been there prior?

Mr. TAYLOR. I left on the 8th of August.

Chairman WALSH. And when had you been there prior to that time?

Mr. TAYLOR. Last fall; last October.

Chairman WALSH. And what was the occasion of your visit?

Mr. TAYLOR. General inspection.

Chairman WALSH. Just general inspection?

Mr. TAYLOR. Yes.

Chairman WALSH. Was Tape with you at that time?

Mr. TAYLOR. No, sir.

Chairman WALSH. And you didn't go into any of Tape's business, gambling or otherwise, at that time?

Mr. TAYLOR. No, sir.

Chairman WALSH. Or he didn't write you anything about it?

Mr. TAYLOR. No, sir.

Chairman WALSH. What was the occasion of your going up there when you were there, leading up to the 8th of August, that last business?

Mr. TAYLOR. I was sent there by the Commissioner General to make a report on Chinese smuggling operations, as to what should be done, the same as I am making in my trip of the borders.

Chairman WALSH. You didn't go there for the purpose of helping Tape in any way?

Mr. TAYLOR. I didn't; no, sir.

Chairman WALSH. You knew nothing about his business?

Mr. TAYLOR. Knew nothing at all.

Chairman WALSH. His private business, you had no interest in it whatsoever?

Mr. TAYLOR. None at all, except that he had been a friend of mine, so to speak, the same as other officers.

Chairman WALSH. Yes.

Mr. TAYLOR. Had worked with me and had done what I told him.

Chairman WALSH. But he had never told you about his business or anything of that sort?

Mr. TAYLOR. No, sir.

Chairman WALSH. Now, did you know—how long had you known Bonham?

Mr. TAYLOR. I doubt if I ever met him. He said that he was in the office when I passed through Portland, but I don't recall. If I did he was just introduced to me.

Chairman WALSH. You knew he was there making an investigation of Tape?

Mr. TAYLOR. Yes, sir; he came to me. I talked with him.

Chairman WALSH. And there was no doubt about the authenticity of his investigation?

Mr. TAYLOR. None whatever, sir.

Chairman WALSH. He was a Government official?

Mr. TAYLOR. Certainly.

Chairman WALSH. And you were a Government official?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And if you had known anything about Tape's affairs, why, you would have told him?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. That might have thrown any light upon the charge of grafting?

Mr. TAYLOR. I certainly would.

Chairman WALSH. And you would not throw anything in the way, of course, of making a proper investigation?

Mr. TAYLOR. I think Mr. Tape—I says, “ You go to Bonham and give him the facts.”

Chairman WALSH. Give him everything?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And do you know whether he did that or not?

Mr. TAYLOR. I don't know. He examined him.

Chairman WALSH. If Tape didn't do that—if Tape didn't give him all the facts and lay everything before him—then it was in violation of your instructions?

Mr. TAYLOR. Yes, sir; as far as—I can't say they were instructions.

Chairman WALSH. Well, your suggestion?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You knew that what they were investigating was Tape's grafting off of the Chinese, didn't you?

Mr. TAYLOR. Yes, sir; that is what they told me.

Chairman WALSH. And what those men were there for was to find out where he got all this money?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Whether he really got it from his wife. And you have made investigations of that kind often, haven't you?

Mr. TAYLOR. I have; yes, sir.

Chairman WALSH. And you know that Government officials have a pretty hard time getting at the facts if it is a shrewd fellow, don't you?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You have run many of them to earth?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You yourself have run many of them to earth. How many aliases did Tape have while he was with you?

Mr. TAYLOR. Why, I only know his Chinese name is Charley Chew, I think it is.

Chairman WALSH. Charley Chew?

Mr. TAYLOR. It is the family name. Probably when I put him in jail I probably put him in under an alias.

Chairman WALSH. But you say when you came out there you didn't come out to help him?

Mr. TAYLOR. No, sir; I didn't.

Chairman WALSH. Had he written you any letters asking for your help or anything of that sort?

Mr. TAYLOR. He wrote me that the commissioner had questioned him about, and intimated that he was grafting from the Chinese, and I either wrote or wired him.

Chairman WALSH. When did he tell you that?

Mr. TAYLOR. That was before I went out there.

Chairman WALSH. That was before you went out there?

Mr. TAYLOR. Yes.

Chairman WALSH. Did he write that to you, or did he——

Mr. TAYLOR. He wrote it or wired me, I forget now which.

Chairman WALSH. And what did he say?

Mr. TAYLOR. That the Chinese were trying to put up a job on him, and that the commissioner was taking statements, or something of that kind, from the Chinese, that he had been fighting, and I either wrote him or wired him to sit down and make an application or request for a full and complete investigation, which I understand he did.

Chairman WALSH. Now, have you got that letter?

Mr. TAYLOR. No, sir.

Chairman WALSH. Have you got the reply that you wrote to him—oh, I believe you say you don't know whether that was a letter or a telegram.

Mr. TAYLOR. I think it was a telegram.

Chairman WALSH. Did you keep a copy of it?

Mr. TAYLOR. No.

Chairman WALSH. Now, he said—what was it that he said in his letter?

Mr. TAYLOR. That the commissioner had demanded an explanation from him as to his income, or words to that effect, and that the Chinese were making statements against him.

Chairman WALSH. Yes.

Mr. TAYLOR. That is the purport of it.

Chairman WALSH. And then——

Mr. TAYLOR. I instructed him——

Chairman WALSH. Was the commissioner his superior out there?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And what was it you wrote back to him?

Mr. TAYLOR. To make application for a full investigation.

Chairman WALSH. That is, for a full investigation of all of his conduct?

Mr. TAYLOR. Absolutely, sir.

Chairman WALSH. And did you tell him to give the commissioner all the information that he could?

Mr. TAYLOR. No, sir; I didn't tell him to give it. I told him to make a request of the bureau for an investigation.

Chairman WALSH. Substantially that is what you told him, simply to make a request of the bureau for an investigation?

Mr. TAYLOR. No. For an investigation.

Chairman WALSH. For an investigation. And do you know whether or not he asked for the investigation?

Mr. TAYLOR. He, I think, showed me a copy of a letter that he had written, and if I am not mistaken a reply from the bureau, but I would not say that he got a reply.

Chairman WALSH. Was that afterwards?

Mr. TAYLOR. After I went up there.

Chairman WALSH. Now, prior to that time you haven't heard made any charge against him, against his honesty.

Mr. TAYLOR. No, sir.

Chairman WALSH. You hadn't heard that there was any investigation on foot charging him with grafting?

Mr. TAYLOR. Not until he wrote me.

Chairman WALSH. And you say that you said when you wrote or wired him, all you wrote or wired him was to demand a full investigation from the department?

Mr. TAYLOR. Yes, sir. I say that when I was there last fall I talked to the commissioner——

Mr. TAYLOR. When I was there last fall I asked Commissioner White about Tape, and he told me he was one of the best officers he had. I also asked him——

Chairman WALSH. Read the last question, please. [Question read.] Why do you volunteer to this commission the information that Commissioner White told you Mr. Tape was a good man?

Mr. TAYLOR. I didn't say Commissioner White said so.

Chairman WALSH. Who did you say?

Mr. TAYLOR. I said when I went there last fall the commissioner of the bureau——

Chairman WALSH. And he told you he was a good man?

Mr. TAYLOR. Yes.

Chairman WALSH. I didn't ask you that, did I?

Mr. TAYLOR. You asked if I knew anything about this work, and I was explaining it.

Chairman WALSH. I didn't ask whether you knew anything about this work. You heard what the stenographer read?

Mr. TAYLOR. Yes.

Chairman WALSH. Why do you volunteer information to this commission now unsolicited that somebody told you that Tape was a good man?

Mr. TAYLOR. Just to show I knew absolutely nothing about him until I went there.

Chairman WALSH. Just to show that you knew absolutely nothing until you went there.

Mr. TAYLOR. About any charges.

Chairman WALSH. When you went there, did you ask Commissioner White to detail Tape along to make some investigation that you had to make?

Mr. TAYLOR. I wired before——

Chairman WALSH. Did you ask him after you got there; did you ask Commissioner White to detail Tape to make an investigation with you?

Mr. TAYLOR. No, sir.

Chairman WALSH. Now, prior to that, to your getting there, did you wire him anything to that effect?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. What did you wire?

Mr. TAYLOR. Wired to detail Tape to investigate a man by the name of Walloy, who was suspected of smuggling Chinese, about when I received information when I was there before.

Chairman WALSH. What was the date of the telegram, do you know?

Mr. TAYLOR. April 9.

Chairman WALSH. Did you know that he had been charged? Had he been charged with graft then?

Mr. TAYLOR. Not that I know of.

Chairman WALSH. Now, did you have a conversation with Commissioner White after you returned to Seattle and after you had heard from Tape and after you had advised Tape to call for a full investigation?

Mr. TAYLOR. About Tape?

Chairman WALSH. About Tape.

Mr. TAYLOR. I probably talked with him.

Chairman WALSH. Did you tell him Tape was a good man, a reliable man?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Has Tape's reputation in Seattle for the past two years, at least, been that of a grafter?

Mr. TAYLOR. I have never heard it until this came up.

Chairman WALSH. Didn't you ever hear that his general reputation was that of a grafter?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you have any other communication with Tape except this telegram that he sent you, in reply to which you advised him to call on the department for a full investigation?

Mr. TAYLOR. Not that I recall.

Chairman WALSH. Isn't it a fact that what Tape told you was that they were looking into this matter; that he asked for a full investigation; and you told him not to say anything, but to make them tell exactly what they wanted, and not to give up anything until they did?

Mr. TAYLOR. No, sir. I advised him to make application, or write to the Commissioner General and ask for a full investigation.

Chairman WALSH. All right. Now, I will read a telegram to you and ask you whether or not you received this from this man:

"SEATTLE, WASH., June 3, 1914.

"To R. H. TAYLOR,

"Castle Inn, Buffalo, N. Y.:

"Boss request written statement my financial standing, monthly income, what house cost, and machine. Wife refuse make statement as to income; personal reasons. Charge me with grafting. I have no fear. Asked for investigation myself. The questions are personal. Shall I stand pat and not tell?"

Mr. TAYLOR. I think that is the telegram the way you read it.

Chairman WALSH. What does he mean by stand pat?

Mr. TAYLOR. Stand pat? I presume he means that he won't tell them there anything.

Chairman WALSH. Wouldn't tell the boss?

Mr. TAYLOR. Until he was charged. He had a right to do that.

Chairman WALSH. You think he had a right to do that?

Mr. TAYLOR. Certainly.

Chairman WALSH. Do you think he would have a right to refuse to answer our questions on the ground that it would tend to incriminate him? You still think he is right in that refusal?

Mr. TAYLOR. No, sir; I don't. If he is in the clear, he has got nothing, no way of being incriminated.

Chairman WALSH. Wasn't this Mr. Bonham, and these other Government officials, weren't they right in line, Bonham had a right to make the investigation?

Mr. TAYLOR. I told him to tell Bonham everything that he knew. Mr. Bonham was authorized to investigate.

Chairman WALSH. All right.

"I have interest in canneries with Chinese, shall I disclose it, which brings good income. Will do as you say. Have written full particulars.

"FRED CHEW."

That was he?

Mr. TAYLOR. Yes.

Chairman WALSH. Did he write full particulars?

Mr. TAYLOR. I don't think he ever wrote about what he has in any cannery there.

Chairman WALSH. Didn't you get a letter following this?

Mr. TAYLOR. Yes; I got a letter from him.

Chairman WALSH. Just as he said he would write?

Mr. TAYLOR. Along that line.

Chairman WALSH. What did you do with that letter?

Mr. TAYLOR. Tore it up.

Chairman WALSH. And you knew that the Government was making an investigation and you knew that he was charged with grafting, and he had asked you—that is the language used by dishonest people; that is what the criminal says, "Shall I stand pat"; he either stands pat or he spills, I believe they call it?

Mr. TAYLOR. Yes.

Chairman WALSH. That is used in that way?

Mr. TAYLOR. Yes.

Chairman WALSH. Now, he wires you that the boss wants a written statement of his financial standing; that he was charged with graft; that he had asked for an investigation, and asked you whether he would stand pat or tell, and whether or not he would disclose his interest in certain canneries; and then he wrote you a letter about it?

Mr. TAYLOR. Yes.

Chairman WALSH. Did you reply to that letter?

Mr. TAYLOR. I think not. I believe I got one shortly after.

Chairman WALSH. You think you got one shortly after. You tore up the letter?

Mr. TAYLOR. Yes.

Chairman WALSH. Now, with your experience as an investigator of criminals, didn't it occur to you that if this man told a different story about where he got that money, that that would be proof positive that he lied and that you had it in writing? Didn't that strike you?

Mr. TAYLOR. No.

Chairman WALSH. Didn't strike you?

Mr. TAYLOR. No.

Chairman WALSH. And you an investigator, and you tore that up, that letter in which he told you he had interest in canneries?

Mr. TAYLOR. No.

Chairman WALSH. And you tore up the only written evidence that you had from Chew, this Chinaman?

Mr. TAYLOR. Yes.

Chairman WALSH. There is no doubt you got that telegram?

Mr. TAYLOR. None in the world.

Chairman WALSH. He told you that he had this matter up, that he was charged with graft, and wanted to know whether or not he should stand pat?

Mr. TAYLOR. If I remember correctly I told him to stand pat. I didn't use that language, but my advice to him was in substance to—

Chairman WALSH. One minute, I want to ask you a question right there, because I want to get it into the record. Before you started to volunteer that answer, I walked up to within 2 feet of you with a tissue-paper copy of a telegram in my hand, did I not?

Mr. TAYLOR. You have it there.

Chairman WALSH. And you looked at me, and you said then, I did tell him to stand pat, didn't you?

Mr. TAYLOR. I can't see what was on the paper you have.

Chairman WALSH. No; but you saw the tissue-paper copy, and you knew you were about to be confronted with a copy of a telegram you sent?

Mr. TAYLOR. Yes.

Chairman WALSH. You are not a sucker, you are an investigator of criminals. You say for the first time, "I believe I did tell him to stand pat," didn't you?

Mr. TAYLOR. No, sir; I think I told you this now; I told him not to answer, to demand a full investigation.

Chairman WALSH. You never said you told him to until you saw me walk up with that. Hadn't you sworn over and over that is what you told him to do, to demand a full investigation?

Mr. TAYLOR. Yes.

Chairman WALSH. A complete investigation?

Mr. TAYLOR. Yes.

Chairman WALSH. And when you saw me come up with this tissue copy in my hand, you remembered, didn't you, that you did give him that advice to circumvent the investigation of the Government?

Mr. TAYLOR. No; I did not.

Chairman WALSH. You do not?

Mr. TAYLOR. No.

Chairman WALSH. Do you remember what you told him?

Mr. TAYLOR. Do I remember what I told him?

Chairman WALSH. Yes. You told him to stand pat, didn't you?

Mr. TAYLOR. I probably told him not to tell—to first demand an investigation, not to tell Commissioner White—I don't know if I used those words, but not to tell Commissioner White anything until he was charged, and upon investigation.

Chairman WALSH. You don't remember, then, just what you said to him?

Mr. TAYLOR. No.

Chairman WALSH. And the truth of the matter is you want to help all you can to cover that up, don't you?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you know what his down-town canneries was?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you know whether he had a down-town office or not?

Mr. TAYLOR. No, sir; I don't know it now.

Chairman WALSH. You don't know it now?

Mr. TAYLOR. No, sir.

Chairman WALSH. Now, the truth of the matter is you have had a lot of dealings with Tape, haven't you, honestly?

Mr. TAYLOR. No; I haven't; and I defy anyone in the world to show I have.

Chairman WALSH. You know that this is a Chinaman?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. He is married to a white woman?

Mr. TAYLOR. Yes.

Chairman WALSH. And that is not considered respectable, is it, among white people?

Mr. TAYLOR. I don't know about the respectable part. It is not, in my opinion, proper.

Chairman WALSH. It is not proper?

Mr. TAYLOR. No, sir.

Chairman WALSH. And you said before luncheon that you knew the way Chinese grafters got their pull was putting their brother Chinaman in terror in some way?

Mr. TAYLOR. In the terror of the law; that is one way.

Chairman WALSH. And they get it that way; isn't that what you said?

Mr. TAYLOR. Why, I don't just understand I said anything about putting them in terror.

Chairman WALSH. Well, how do they get the money out of Chinamen?

Mr. TAYLOR. Why, one Chinaman may go to another Chinaman and say, "Give me \$500 and I will have your friends landed."

Chairman WALSH. Take Tape, for instance. Suppose, now, it was Tape, and that he was getting money; what would he do?

Mr. TAYLOR. If he was getting money?

Chairman WALSH. If he was grafting, how would he do it? Give us the various ways in which he would do it, in extenso.

Mr. TAYLOR. He would probably have a go-between; some one who would call for the money.

Chairman WALSH. Yes.

Mr. TAYLOR. Of course, if he was smuggling, I don't know; he would have to have some one, unless he was doing it himself.

Chairman WALSH. Anything else?

Mr. TAYLOR. That is the only way it could be done unless he wanted it himself.

Chairman WALSH. That is your explanation of how a Chinaman gets money out of another Chinaman if he is a grafter?

Mr. TAYLOR. I am telling you instances how they have done.

Chairman WALSH. I want you to tell me just how Tape would graft if he was a grafter; if he was an interpreter, if he was an investigator—he knew everything about it; you know everything he did?

Mr. TAYLOR. Yes.

Chairman WALSH. Tell us just how Tape would get the money.

Mr. TAYLOR. He would have a go-between, a man that would go to a Chinaman and say: "You give me so much money and I will give it to Tape and Tape will have your son or your brother and he will have him landed."

Chairman WALSH. Yes.

Mr. TAYLOR. And he would give him the money. That is the way it is done. I have investigated dozens of cases of that kind.

Chairman WALSH. You are posted; you are well posted. Any other way? Any other way that it is done?

Mr. TAYLOR. Unless he could go to a man who was in detention and say, "Give me \$500 after you are landed, and I will see you are landed."

Chairman WALSH. Any other way? You seem to have overlooked the only way it is said Tape did it. Don't they do it this way: That when a Chinaman wants to land, that the interpreter, if he is a crook, pretends that there is a discrepancy between the statement of the man and his relatives, and it is held up until the crooked interpreter gets through direct to the Chinaman's relatives and get the money before it is straightened out. Isn't that the common, ordinary way?

Mr. TAYLOR. That is just what I say, he has a go-between.

Chairman WALSH. No, you didn't say it at all. He gets the go-between, but it is done by misinterpreting their language.

Mr. TAYLOR. He gets it as he pleases if he is crooked.

Chairman WALSH. Don't you hear of this thing being done just as I have described, or are we the first to discover it?

Mr. TAYLOR. I guess you discovered it.

Chairman WALSH. We discovered it? And you have been hunting crooked Chinese and interpreters and all that kind of matter, and you have never heard about this until I asked you about it now myself?

Mr. TAYLOR. I have heard that could be done, and I have always watched for it.

Chairman WALSH. And this is the first instance you have heard of?

Mr. TAYLOR. You don't tell me; you ask if it could be done.

Chairman WALSH. I am asking if it is a common way?

Mr. TAYLOR. We haven't had sufficient cases to——

Chairman WALSH. You haven't had a sufficient number of cases?

Mr. TAYLOR. They could do it, of course.

Chairman WALSH. They could do it?

Mr. TAYLOR. That is what——

(By direction of the chairman the answer was stricken out.)

Chairman WALSH. Now, I will ask you, Did you write a letter to Tape on the same day that you sent the telegram?

Mr. TAYLOR. That I couldn't say positively, whether I did or not; I may have.

Chairman WALSH. How is that?

Mr. TAYLOR. I couldn't say positively whether I did or not.

Chairman WALSH. Was it on this subject?

Mr. TAYLOR. If I wrote it, it was—yes, sir. I had no other dealings then with Tape.

Chairman WALSH. No interest in him except as a friend?

Mr. TAYLOR. No interest in him except as a friend, a man who had been faithful to me in every undertaking that I had with him.

Chairman WALSH. You still recommend him to the Government as a loyal, efficient person, and one upon whom some mean job might be put up by a dishonest Chinaman, do you? You still do it to-day?

Mr. TAYLOR. Recommend him as one of the best investigators. I am not talking about interpreter. But if I sent him out to find a man, he will find him for me.

Chairman WALSH. He is a good man hunting up other men?

Mr. TAYLOR. That is what I used him for.

Chairman WALSH. That is about as far as you will go now, then?

Mr. TAYLOR. That is all the work he has done for me.

Chairman WALSH. You recommend Tape now to the Government as an efficient, honest man?

Mr. TAYLOR. I don't recommend him as an honest man, because they tell me he is not.

Chairman WALSH. They tell you he is not?

Mr. TAYLOR. Yes. If he is, I will recommend him—as I stated just now, for getting information, and as far as I have known—I have never had—there are only two interpreters that I can rely on in the service, and he is one of them.

Chairman WALSH. And you would still rely on him?

Mr. TAYLOR. Not until he is cleared of this charge.

Chairman WALSH. He must be cleared of this charge?

Mr. TAYLOR. Certainly he must.

Chairman WALSH. You have also shown the way he might do it if he was misinterpreting the language, what they said, could get money that way?

Mr. TAYLOR. There are many ways that he could do it, but I don't think he could do it that way without the officers finding him out very shortly.

Chairman WALSH. I think they have got him. Unless some one high in authority helps him and told him to suppress information; that would help him, wouldn't it?

Mr. TAYLOR. No; he couldn't suppress—

Chairman WALSH. If you were starting to conduct an investigation by the Government, or somebody under you, and another official advised this man you are investigating to suppress, give information that would aid, you would report the man to the Government and ask that he be discharged?

Mr. TAYLOR. If I was making—

Chairman WALSH. Suppose you were making an investigation of a man and you discovered that another official had told him to suppress evidence, wouldn't you notify the Government that that man be discharged?

Mr. TAYLOR. I certainly would, if I was authorized to make an investigation; I certainly would.

Chairman WALSH. Do you draw a distinction between one who might be authorized and one who might be unauthorized?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Was there some one authorized to make an investigation of Frank Tape?

Mr. TAYLOR. I don't know.

Chairman WALSH. Who was he?

Mr. TAYLOR. I don't know.

Chairman WALSH. Did you ever know of an unauthorized person ever undertaking it?

Mr. TAYLOR. Have I ever heard of it?

Chairman WALSH. You know the head of a department would have a right to make an investigation?

Mr. TAYLOR. Why, there is a question in my mind whether he would not be justified in refusing to answer questions.

Chairman WALSH. Suppose this particular case: Suppose that Mr. White, at Seattle, had been appointed commissioner of immigration at the port of Seattle, and that he believed that Tape was a thief, and conducted an investigation, do you believe that any other officer of the Government would be authorized to tell a man who was suspected of being a thief not to answer the questions of Commissioner White? There is a concrete case for you.

Mr. TAYLOR. Well, that would depend entirely on whether he was authorized to make the investigation.

Chairman WALSH. You are an expert—you are an expert investigator yourself?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And here is a commissioner of immigration, and here is an interpreter working out of his office. Do you mean to say the condition of your department is in such shape that one Government official should advise another one under Commissioner White not to give his full access to any information he had if he was investigating himself; that is, if Commissioner White was investigating?

Mr. TAYLOR. If he qualifies it by telling him to put it up to the department, his superior officer, and knew that the man that made the investigation had been thoroughly authorized.

Chairman WALSH. But you deny the right of Commissioner White when he went to the port of Seattle to make a thorough investigation of Tape, whom he suspected of graft?

Mr. TAYLOR. Without reporting to the department and having charges filed against him. My reason for that is in all cases charges would naturally follow. They did. Would it be fair—it was not in my mind—for an officer to go to a man and get a statement from him about a certain thing, and then go to

another man and say, "Well, did you do such and such or such and such at such and such a time," and then have an investigating officer come along and go over it again and put those together. You can build up a case against anyone in that way.

Chairman WALSH. Isn't that the way you build up all your cases against anybody?

Mr. TAYLOR. No, sir. I never have built up a case against any man in my life, and I never will.

Chairman WALSH. Do you mean to tell me when you go out and investigate a case you don't go to the persons whom you think have the information, and don't you go to the person you think committed the illegal act and try to find out whether it was true or not?

Mr. TAYLOR. I certainly do, but I don't take advance statements from men and try and trip him into it.

Chairman WALSH. Do you know Commissioner White?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And I am going to ask you the specific question: Do you know of any attempt on the part of Commissioner White to trick Tape into anything?

Mr. TAYLOR. Not that I can state.

Chairman WALSH. You have no personal knowledge of it?

Mr. TAYLOR. No, sir.

Chairman WALSH. The fact of the matter is your relations were so close with the Chinaman that you wanted to help him in this investigation and against the Government, is that true?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did he write you a letter following that telegram, a second letter answering the letter you wrote him following the sending of this telegram?

Mr. TAYLOR. I can't say that he did. I think he followed his telegram with a letter.

Chairman WALSH. And you have torn up all letters you got from Tape?

Mr. TAYLOR. All except as I have said, some time ago that had something official in them.

Chairman WALSH. You didn't keep any of the letters you got from him?

Mr. TAYLOR. No, sir.

Chairman WALSH. Regarding this investigation, your advice to him, the charge that was made against him and all about it?

Mr. TAYLOR. Why, I had nothing about—

Chairman WALSH. Did you tear them up?

Mr. TAYLOR. I tore up everything I had from him.

Chairman WALSH. You tore up everything you had from him?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Have you got the original telegram that he sent you?

Mr. TAYLOR. Why, I think not; no, sir.

Chairman WALSH. What has become of it?

Mr. TAYLOR. I probably tore it up; I don't know. I don't say I have, but I had no reason for keeping it.

Chairman WALSH. Did you keep a copy of the telegram you sent him?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you keep a copy of the letter you sent him?

Mr. TAYLOR. No, sir.

Chairman WALSH. I will ask you if you sent him this telegram:

"Insist on statement in writing giving reasons for request your financial standing and defer replying until you hear from me regarding particulars written me. Write me what down-town office is used for?"

Mr. TAYLOR. Probably; yes, sir.

Chairman WALSH. You wanted that held up?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Until he heard from you?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. "Regarding particulars written me"?

Mr. TAYLOR. Write me?

Chairman WALSH. No. "Regarding particulars written me. Write me what down-town office is used for"?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Did he have a down-town office?

Mr. TAYLOR. No, sir.

Chairman WALSH. What did you mean by saying that? Was that some code between you and him?

Mr. TAYLOR. No, sir.

Chairman WALSH. What did that mean?

Mr. TAYLOR. It meant I had instructions from the bureau to ascertain what use was made of the down-town office in Seattle, and I asked him to notify me what it was used for.

Chairman WALSH. Had you had any correspondence with him before?

Mr. TAYLOR. About that?

Chairman WALSH. Yes, sir.

Mr. TAYLOR. I had not.

Chairman WALSH. So that the first request you have is this "Write me what down-town office is used for," and that was an inquiry for an investigation that you were supposed to be making for the Government in regard to the down-town office?

Mr. TAYLOR. No, sir; as preliminary.

Chairman WALSH. This was preliminary?

Mr. TAYLOR. I had a request from the bureau to know what it was used for and I wired—

Chairman WALSH. Was the request in writing?

Mr. TAYLOR. I think so.

Chairman WALSH. Have you a copy of the request?

Mr. TAYLOR. I haven't it with me; it is on file in the bureau. I made a report on it.

Chairman WALSH. He wired you on June 8:

"Boss request written statement my financial standing, monthly income, what house cost and machine. Wife refused make statement as to income; personal reasons. Charge me with grafting."

He had been charged with graft, hadn't he?

Mr. TAYLOR. That is what he said.

Chairman WALSH. "Charge me with grafting. I have no fear; asked for investigation myself." Was that after your communication?

Mr. TAYLOR. No, sir.

Chairman WALSH. Did you write and tell him?

Mr. TAYLOR. I wrote or wired him. I either wrote him or wired him at that time.

Chairman WALSH. "I have no fear; asked for investigation myself; the questions are personal. Shall I stand pat and not tell? I have interest in canneries with Chinese—shall I disclose it—which brings good income. Will do as you say."

Did you know that was a lie?

Mr. TAYLOR. I don't know it is now.

Chairman WALSH. You have no reason to disbelieve Mr. Tape? If he would say he owned canneries, you would believe him still?

Mr. TAYLOR. He told me, I think, that he made \$1,600—

Chairman WALSH. On canneries?

Mr. TAYLOR. On canneries, and that no Seattle Chinese were in it. I told him to tell Mr. Bonham that statement.

Chairman WALSH. "Have written full particulars."

I am going to ask you if you didn't sent this telegram in reply to that:

"Insist on statement in writing giving reasons for request your financial standing and defer replying until you hear from me regarding particulars written me. Write me what down-town office is used for."

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You say that this was meant to find out from Tape what the down-town office was used for?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. What down-town office was it, and where was it?

Mr. TAYLOR. An office in the Hoke Building. We formerly had an office out on the dock, and Inspector Fisher, I think it was, some way rented an office and had an office in a building down town, an additional office, at \$35 a month. I had a request from the bureau asking me to find out what it was used for and the necessity of it, and I asked him to let me know what the down-town office was being used for.

Chairman WALSH. And you hadn't written him about it, and that is the first request and only request you ever made in your life to Tape in regard to that

matter, and that was in reply to a telegram telling you he was accused of graft, and in which you replied not to tell anything until he could confer with you?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And you want us to believe that, do you—you want the Government to believe that?

Mr. TAYLOR. That is the first and only request I made about the office, and as far as the telegram is concerned, of course I sent it.

Chairman WALSH. Have you made a report on the San Francisco office?

Mr. TAYLOR. When?

Chairman WALSH. When was that report?

Mr. BUSIEK. About March 1.

Mr. TAYLOR. Yes, sir; about that date. I would not say just when it was.

Chairman WALSH. And in that report you reflected on Edsell—you reported against Edsell's conduct?

Mr. TAYLOR. I think so.

Chairman WALSH. And Ainsworth?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And who else—Backus?

Mr. TAYLOR. I will state I made a separate report on Ainsworth which resulted in charges being filed.

Chairman WALSH. And Edsell and Backus?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. They are the ones in charge at San Francisco?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. You intended to recommend who for it?

Mr. TAYLOR. For what?

Chairman WALSH. For the place. Did you have some one you intended to recommend for the place?

Mr. TAYLOR. No, sir. I can't recommend anyone.

Chairman WALSH. You can't recommend anyone?

Mr. TAYLOR. No, sir. The only thing I recommended was cutting out the red tape and simplifying the work, and I think one statement was that the commissioner ought to run the office instead of the assistant commissioner.

Chairman WALSH. And that you thought some man experienced in criminal matters ought to have charge of this whole smuggling proposition?

Mr. TAYLOR. Certainly; yes, sir.

Chairman WALSH. Now, isn't this a fact, I am going to put to you right straight: That you got into the department—you are a real estate man—you got into the department under President Roosevelt and got very close to President Roosevelt by being his personal attaché; that you came back and you served all during the Roosevelt administration and got into the Secret Service that way, and then served during the Taft administration, and then you had Chief Wilkie assign you so that you could get an early pull with President Wilson; that you got an acquaintance with President Wilson, the new administration; you immediately secured reappointment on the recommendations you had from the department and on the indorsement of the President; that you came out here and you have reported against all the San Francisco officers, and that you intend that they should be removed and that some one person would be placed in charge of all these criminal matters. Wasn't that your conception of the whole thing? -

Mr. TAYLOR. No, sir.

Chairman WALSH. That might look like how it would work out?

Mr. TAYLOR. I don't see why.

Chairman WALSH. If Tape was a dishonest man, and if there are such grafters in the department, and if they had a pull with an authority as high as you, that would be an ideal way to work it, wouldn't it?

Mr. TAYLOR. No, sir.

Chairman WALSH. You protected Tape right up to the last minute, didn't you?

Mr. TAYLOR. No, sir. There is no possible chance anyone could profit by any connection I have with the service.

Chairman WALSH. Could Tape profit by driving through Chinatown with you in an automobile, with his wife, and the Chinamen knowing that you were in full charge of the Chinese smuggling and of Chinese matters; could he or not?

Mr. TAYLOR. Not unless he was crooked.

Chairman WALSH. But if he was a crook, that is the ideal way, isn't it?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. To show he was close to the man high in authority?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. This man was a member of an Asiatic race, and he was living with a woman for two years and you didn't know whether they were ever married or not, of any of your own personal knowledge, did you?

Mr. TAYLOR. No, sir; no one else does, as far as I know.

Chairman WALSH. And still you kept up friendly relationships in the presence of the Chinese people of Seattle?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And if he was a crook and grafter, that was the way for him to get the money?

Mr. TAYLOR. I don't believe I ever went in Chinatown with Tape but once in my life and that was to get some firecrackers.

Chairman WALSH. I am going to ask you just one question now: I will ask you whether or not the following telegram was received by you at Buffalo, N. Y.:

SEATTLE, WASH., June 3, 1914.

R. H. TAYLOR,

Castle Inn, Buffalo, N. Y.:

Boss requests written statement my financial standing, monthly income, what house cost, and machine. Wife refused make statement as to income, personal reasons. Charge me with grafting; I have no fear; asked for investigation myself; the questions are personal. Shall I stand pat and not tell? I have interest in canneries with Chinese—shall I disclose it—which brings good income. Will do as you say. Have written full particulars.

FRED CHEW.

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And did you answer that telegram in this way:

"FRANK H. TAPE,

"1618 Thirty-fourth Street, Seattle, Wash.:

Is that where he lived?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Did you have his address?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Where did you have it?

Mr. TAYLOR. I have been to his house?

Chairman WALSH. How is that?

Mr. TAYLOR. I have been to his house.

Chairman WALSH. Did you remember the number?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Say, have you a book in which you keep memorandas of your visits to these various places?

Mr. TAYLOR. To a house like that?

Chairman WALSH. Well, as to the work you do in various places?

Mr. TAYLOR. No; I submit a report of anything I do.

Chairman WALSH. And have you got any memorandas at all, any memoranda book that you carry covering passing things that you haven't made reports upon yet, suspended matters?

Mr. TAYLOR. No, sir.

Chairman WALSH. Well, I will ask you, then, if you replied to that telegram in this way:

"FRANK H. TAPE,

"1618 Thirty-fourth Street, Seattle, Wash.:

"Insist on statement in writing, giving reasons for request your financial standing, and defer replying until you hear from me regarding particulars written me. Write me what down-town office is used for.

"TAYLOR."

Mr. TAYLOR. Yes, sir.

Chairman WALSH. Where were you when you got his telegram?

Mr. TAYLOR. In Buffalo.

Chairman WALSH. Were you in the hotel?

Mr. TAYLOR. I could not say.

Chairman WALSH. And what time did you send the telegram to him?

Mr. TAYLOR. I could not say. Probably night message.

Chairman WALSH. The same night?

Mr. TAYLOR. Night message, I presume.

Chairman WALSH. You think it was a night message?

Mr. TAYLOR. I don't know.

Chairman WALSH. Was his a night message?

Mr. TAYLOR. I couldn't say.

Commissioner O'CONNELL. Will you ascertain why he knew him as Chew instead of Tape?

Chairman WALSH. He says it was an alias that he used.

Mr. TAYLOR. That is his Chinese name, I might explain.

Chairman WALSH. It is his Chinese name?

Mr. TAYLOR. Tape is simply an American name.

Commissioner O'CONNELL. Everybody seemed to know him as Frank Tape, and his dealings with everybody were as Frank Tape, but in his telegram there it was Chew.

Mr. TAYLOR. He always used the name of Chew, nearly always he used it, I guess every time he has ever been working with me he had been working under the name of Chew.

Chairman WALSH. Say, didn't every letter that you ever received from this man on official business, wasn't it signed Frank Tape?

Mr. TAYLOR. On official business?

Chairman WALSH. Yes.

Mr. TAYLOR. I don't know that I ever received any on official business.

Chairman WALSH. Did you ever receive a letter from him signed any way except Frank Tape?

Mr. TAYLOR. I don't believe I ever received one from him signed Frank Tape. I think it was either Chew or Fred.

Chairman WALSH. Now, then——

Mr. TAYLOR. Now, I would not say.

Chairman WALSH. You got a letter from him following that, didn't you?

Mr. TAYLOR. That would indicate it; yes, sir.

Chairman WALSH. And you answered the letter?

Mr. TAYLOR. Yes, sir; if I did.

Chairman WALSH. And you didn't keep any copy of your answer?

Mr. TAYLOR. No, sir.

Chairman WALSH. And you tore up the letter he wrote to you?

Mr. TAYLOR. Yes, sir.

Chairman WALSH. And it was on vital business connected with the Government, the investigation of this man himself?

Mr. TAYLOR. No, sir.

Chairman WALSH. All right, that is your interpretation.

Commissioner O'CONNELL. He is known officially on the Government roll as Frank H. Tape?

Mr. TAYLOR. Yes, sir.

Commissioner O'CONNELL. Or Frank Tape.

Mr. TAYLOR. Frank H. Tape; yes, sir.

Chairman WALSH. That is all. You are excused.

Mr. TAYLOR. All right.

Chairman WALSH (indicating papers). I want to keep these and check them over. We will return them to you before you leave the city.

Mr. TAYLOR. I am going—will you send them to me?

Chairman WALSH. Yes; if you will give Mr. Busiek your address.

Mr. TAYLOR. All right, sir. Here is the remnant of that [indicating], the other deposits, and you have the book there.

Chairman WALSH. Give Mr. Busiek the whole business. You say you had more deposits there?

Mr. TAYLOR. No; it is in the bank; that is, the balance now.

Chairman WALSH. Where do you want these mailed?

Mr. TAYLOR. Care Bureau of Immigration.

Chairman WALSH. Washington, D. C.?

Mr. TAYLOR. Washington, D. C.; yes, sir.

Chairman WALSH. Call Mr. Edsell.

Mr. TAYLOR. I am excused, then?

Chairman WALSH. You are excused now.

Mr. TAYLOR. All right, sir.

Chairman WALSH. You will please remain in attendance, Mr. Taylor. You are not excused finally. Just wait; we may recall you.

Mr. TAYLOR. Well, I have through transportation to Washington to-morrow?

Chairman WALSH. To what?

Mr. TAYLOR. To Washington City to-morrow morning. I had transportation and I had to cancel it on account of waiting for this.

Chairman WALSH. Well, now, couldn't you wire them and tell them this investigation is going on and we may want you?

Commissioner GARRETSON. Better detain him on formal subpoena.

Mr. TAYLOR. I am perfectly willing to stay.

Chairman WALSH. Well, just stay here, then.

Commissioner GARRETSON. Well, that furnishes justification.

Chairman WALSH. We expect to be through by to-morrow evening. That is our intention. We may want to call you any time in the meantime.

Mr. TAYLOR. Well, I am to remain until I am excused. There is a separate charge for canceling transportation.

Chairman WALSH. Is there? I didn't know.

Mr. TAYLOR. I got through transportation from Los Angeles and back this way.

Chairman WALSH. Well, it will be an excuse that you were kept here in attendance on this hearing.

Mr. TAYLOR. Every time you cancel, they charge you. It only comes out of the Government.

Chairman WALSH. I am sorry.

Commissioner GARRETSON. The Government will have to stand the money.

TESTIMONY OF MR. HARRY EDSSELL.

Commissioner GARRETSON. Give your name and address.

Mr. EDSSELL. Harry Edsell.

Chairman WALSH. You solemnly swear the testimony you are about to give in the investigation now going on before this commission, being an investigation into the alleged smuggling of Asiatics into the United States, will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EDSSELL. I do.

Mr. BUSIEK. Your address.

Mr. EDSSELL. 974 Asbury Street.

Mr. BUSIEK. Mr. Edsell, how long have you been connected with the Government service?

Mr. EDSSELL. About 12 years.

Mr. BUSIEK. And prior to that what business were you in?

Mr. EDSSELL. Newspaper enterprises.

Mr. BUSIEK. And where were you engaged in the newspaper business prior to the time you went into the Government service?

Mr. EDSSELL. At the time I was appointed I was city editor of the Evening Telegram of Portland, Oreg., and publisher of the Pacific Drug Review of the same city.

Mr. BUSIEK. And at what posts have you served, Mr. Edsell?

Mr. EDSSELL. I entered the service as a Chinese inspector at Port Townsend, Wash., in July, 1903. In December, 1904, I was promoted to the position of Chinese inspector in charge at Sumas, Wash. I remained there until June, 1909, when I was made Chinese inspector in charge of the enforcement of the Chinese-exclusion act on the Canadian border, with headquarters at Montreal. I was subsequently transferred to Washington, but before the transfer actually took effect—I mean while being occupied in the field as an investigator of personnel and smuggling rumors—I was transferred to San Francisco for the purpose of investigating the station, and was subsequently left here as assistant commissioner.

Mr. BUSIEK. How long have you been assistant commissioner, Mr. Edsell?

Mr. EDSSELL. Since November, 1910.

Mr. BUSIEK. Mr. Edsell, I asked you informally last week to make a compilation of the number of Chinese entering the country for the last number of years. Have you done that?

Mr. EDSSELL. I have.

Mr. BUSIEK. And also the number of applications as merchants, number of applications as students, the number of return applications, the number of ap-

plications to come in as sons of merchants. You have made compilations of that, have you?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Will you just hand them to the stenographer, so that they may be filed with the commission? [See Edsell exhibit.] Mr. Edsell, to what extent has smuggling of Chinese been carried on in this district? We want your estimate as closely as you can give it, and what is the manner?

Commissioner GARRETSON. Better get the confines of that district.

Mr. BUSIEK. Just give us the geographical boundaries of this district.

Mr. EDSSELL. The present geographical boundaries are northern California and the State of Nevada, the line being the same in northern California as that of the judicial district. I don't believe I can tell you the exact outline of it myself now, but it conforms to the line of the judicial district.

Commissioner GARRETSON. What is the last port?

Mr. EDSSELL. Well, it is an irregular line running from a point some distance north of Santa Barbara on the coast in a northeasterly direction until it comes out at one point within about 75 or 80 miles of San Francisco and then strikes almost directly east.

Commissioner GARRETSON. Well, the coast line is what I want.

Mr. EDSSELL. Yes.

Mr. BUSIEK. Mr. Edsell, what are the various methods by which Chinese are smuggled in here?

Mr. EDSSELL. In this district?

Mr. BUSIEK. Yes.

Mr. EDSSELL. There are many of them. One, by means of incoming ships, as stowaways, usually with the connivance of the Chinese crew men on board the ships, and at times with the connivance of others on the ship. Also by means of small boats from Mexico coming up the coast, coming into this bay, coming into Monterey Bay, Half Moon Bay, those places that afford good landing places. Then indirectly into this district by means of the southern border, and freight cars coming northward, the ultimate destination being points within this district, and the unloading taking place within this district.

Mr. BUSIEK. What is the extent of smuggling, in your judgment?

Mr. EDSSELL. Directly into this district I don't think that it runs into any very large number per year, but it is very difficult to estimate.

Mr. BUSIEK. What would you say about the southern California district, from your knowledge?

Mr. EDSSELL. I think large numbers are smuggled from the Mexican border and into southern California by way of the water from Mexico.

Mr. BUSIEK. The handling of smuggling cases is now under Inspector Taylor, I believe?

Mr. EDSSELL. Yes.

Mr. BUSIEK. And he has complete charge of that?

Mr. EDSSELL. Yes.

Mr. BUSIEK. How long has that been?

Mr. EDSSELL. Since—according to my best recollection, by the departmental order issued—since last March.

Mr. BUSIEK. How many men has he caught since that time in your district?

Mr. EDSSELL. Only one that I have knowledge of.

Mr. BUSIEK. And how many men have been assigned from this district to him to assist him?

Mr. EDSSELL. Permanently one, Inspector Chadney, but at times as high as five and six.

Mr. BUSIEK. And what has been the occasion for such details of five and six?

Mr. EDSSELL. When there were rumors of the northcoming of a boat from Mexico, telegraphed us from the southern jurisdiction, or telephoned us by the former inspector at Monterey, who is now under Inspector Taylor.

Mr. BUSIEK. And then you would send out men to watch the proposed landing places; is that the idea?

Mr. EDSSELL. Yes; usually assigning them to temporary service under—directly under Mr. Taylor.

Mr. BUSIEK. Mr. Edsell, without going into the records, but where you have records of these transactions if you will indicate them so that we can later check them up, I want to inquire into the *Calipso* incident, a boat which I believe has been seized by officers under you. How many Chinese were smuggled in on that boat?

Mr. EDSELL. My recollection is twenty some.

Mr. BUSIEK. And did you get the Chinese who were brought in?

Mr. EDSELL. Two of them.

Mr. BUSIEK. And the rest escaped?

Mr. EDSELL. Yes, sir. We caught the two several days after they entered, caught them as they were trying to get north on the train.

Mr. BUSIEK. Your office had knowledge of the coming of that boat, did it not?

Mr. EDSELL. Yes. The episode was the subject of correspondence for some time prior to the actual coming of it?

Mr. BUSIEK. Who was handling the *Calipso* case?

Mr. EDSELL. Who was?

Mr. BUSIEK. Yes.

Mr. EDSELL. The officers of the southern jurisdiction.

Mr. BUSIEK. Under Inspector Taylor?

Mr. EDSELL. No; before Inspector Taylor came.

Mr. BUSIEK. Before Inspector Taylor came?

Mr. EDSELL. Yes.

Mr. BUSIEK. Was there a man by the name of Mahin?

Mr. EDSELL. Main.

Mr. BUSIEK. Dave Mahin or Main; how do you spell his name?

Mr. EDSELL. M-a-i-n.

Mr. BUSIEK. A man by the name of Dave Main concerned in that?

Mr. EDSELL. Yes, sir.

Mr. BUSIEK. I will ask you whether or not it is a fact that Dave Main went down there for the purpose of pointing out the Chinese to the Fox Bros., the owners of the *Calipso*, and assisting in bringing them on to the *Calipso*?

Mr. EDSELL. That is our information.

Mr. BUSIEK. You got that information from confessions of the men who were caught?

Mr. EDSELL. Fox and Pittinger, who were connected with the transaction, who were captured and tried for the offense.

Mr. BUSIEK. Now, their confessions are to the effect, are they not, that they didn't know where these Chinese were but that Main did know, and that he was going to lead them to the Chinese or the Chinese to the boat?

Mr. EDSELL. That is my recollection of it; yes.

Mr. BUSIEK. Isn't there further evidence in their confessions that they would have abandoned this scheme had it not been for the fact that Main importuned them after they had promise of other employment, and kept importuning them until they agreed to go into the deal and go through with it?

Mr. EDSELL. Mr. Busiek, I am not sure just where that came to us, whether it came in the confession of Fox Bros., or whether Inspector Ainsworth got it from other sources and laid it before Commissioner Backus and myself, but it is in the official records as a statement—an official statement.

Mr. BUSIEK. What is Main, or who was he, before he got into the Government service?

Mr. EDSELL. I know very little about him.

Mr. BUSIEK. Well, he was known as a notorious smuggler, was he not, or had that reputation?

Mr. EDSELL. That is my impression, but I knew very little of the details of the *Calipso* matter up to the time that the controversy arose between the bureau and the San Francisco office, as to Inspector Ainsworth's status, and that brought out some things that brought more prominently to my attention some things that would not have come to my attention prominently otherwise.

Mr. BUSIEK. Mr. Edsell, isn't it a fact that Main and his crowd landed about 20 Chinese—or Main's crowd landed about 20 Chinese—while they were waiting for the *Calipso* to come up?

Mr. EDSELL. I scarcely think that would be accurate. My understanding of it is that prior to the time that Main engaged himself with the Government officers he was associated with a man named Garibaldi and another one named Bruner, my recollection is. And after Main became associated with the Government officers his efforts were directed toward allying himself with the Fox Bros. and their ambitions in the promotion of smuggling, then Bruno or Bruner and Garibaldi, while Main was engaging himself with Fox Bros., pulled off this other trick and successfully landed a bunch of Chinese in the southern district.

Mr. BUSIEK. Mr. Edsell, is it not true that the charge is frequently made, and probably not without foundation, that men like Main and other inspectors, and inspectors of like caliber, actually do help hatch conspiracies that result in bringing contraband Chinese into the country, and then turn on the Chinese they have conspired with?

Mr. EDSSELL. That charge has been made at least four times to my knowledge.

Mr. BUSIEK. Has it ever been the basis of an official investigation by the bureau?

Mr. EDSSELL. I can't say that.

Mr. BUSIEK. Has it been reported to the bureau?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Give the names of the inspectors who were supposed to have been involved, Mr. Edsell.

Mr. EDSSELL. I don't think I can do that at this time. I have a vague recollection of circumstances that were laid before the court in Detroit incident to some case that was before the court.

Mr. BUSIEK. Well, I know that case myself. Is there any other instance?

Mr. EDSSELL. Another was one wherein an officer on the witness stand before the district court in Spokane, Wash., involved himself in such an undertaking, and my recollection is that the court ordered his arrest before he left the witness stand.

Mr. BUSIEK. Are there any cases pending recently, Mr. Edsell, that you have knowledge of?

Mr. EDSSELL. Subsequently last January came the *Calipso* matter in which at the time the arrests of Main and the Fox Bros. and Pittinger—or rather one of the Fox Bros. and Pittinger—took place, we received just meager information that Main was not to be disturbed, he was not to be prosecuted. We don't know why; were not advised why, but gather from the situation which was laid before us that he was in good standing with the officers in some way. Finally we learned that he was actually in the employ of the Government, and then subsequently all of these other details to which you have referred, came out. Lately we have been called upon—well, to lay the foundation for this I will say that when Mr. Taylor was placed in charge of the smuggling investigations, we were admonished to extent him the fullest cooperation so that in pursuance of that admonishment whenever we were called upon of course we give him everything that we can. Well, lately we have been called upon to assign an inspector to meet a man named McFadden who came up here under Mr. Taylor's auspices from Monterey to expose certain circumstances in connection with a smuggling enterprise.

We assigned an inspector named Peabody to the duty, and under the information that we had he was to meet this McFadden, who was to present an official badge. Each inspector is provided with an official badge. And this McFadden was to carry one of those official badges and by it be recognized. Our inspector met him and was taken by him to meet a Chinese in Chinatown, and was told that he must represent himself as an owner of a big automobile that could probably carry 10 Chinamen; that a party—the idea was that a party of Chinese were to land at Monterey, and that this McFadden and this inspector were to lead these Chinamen to believe that they were going down with their machine to get the Chinese and bring them to San Francisco, and that, as a matter of fact, McFadden would play false with his associates and arrange for the arrest of the Chinese while they were en route from Monterey to San Francisco. Well, the morning following the filling of this assignment by Inspector Peabody, he protested against the assignment, and when the commissioner and myself understood his impressions of what he was to do incident to that duty, we agreed with him that it was improper that he should represent himself as a smuggler and play into the smugglers' hands and agree to participate in receiving of Chinese and making arrangements for receiving them. The commissioner and I talked the matter over and felt so keenly the position that we telegraphed the bureau and told them the situation, and that we were unwilling to assume the responsibility for such a policy unless the bureau itself absolutely directed it. That was about five or six days ago. We have had no reply to our telegram up to this time.

Mr. BUSIEK. Mr. Edsell, I want to get down right now to administrative problems there at the station that might affect Chinese smuggling. How many interpreters have you?

Mr. EDSSELL. About 10 Chinese interpreters.

Mr. BUSIEK. And are interpreters under civil service?

Mr. EDSSELL. No; not as a rule.

Mr. BUSIEK. How are they appointed, Mr. Edsell?

Mr. EDSSELL. We have one interpreter and inspector, a combination position that is under civil service. That is Dr. Gardner.

Mr. BUSIEK. And how are the other appointments made?

Mr. EDSSELL. Merely on proof of—well, merely on qualification and our recommendation for the appointment.

Mr. BUSIEK. Your recommendation; that is, the recommendation of Gen. Backus or yourself?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Have you the free power to remove incompetent interpreters?

Mr. EDSSELL. No, indeed.

Mr. BUSIEK. You say no, indeed. Have you tried to remove any interpreters and been blocked?

Mr. EDSSELL. Repeatedly.

Mr. BUSIEK. What interpreters, Mr. Edsell?

Mr. EDSSELL. Well, for instance, Whoe Tong—W-h-o-e T-o-n-g.

Mr. BUSIEK. Any others?

Mr. EDSSELL. Well, soon after I came here and during my investigations of the entire force, I succeeded in having one removed.

Mr. BUSIEK. Embert Lee?

Mr. EDSSELL. No. Chan On.

Mr. BUSIEK. C-h-a-n O-n?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Have you ever tried to have any other officers removed and been blocked in the attempt?

Mr. EDSSELL. Absolutely so.

Mr. BUSIEK. What influences held them their positions, Mr. Edsell?

Mr. EDSSELL. Well, in instances I know that they had the influence of Congressmen and Senators.

Mr. BUSIEK. Mr. Edsell, what can you say about the Chinese inspectors of your district—the morale of them—is it good or bad in your judgment?

Mr. EDSSELL. Well, I would say that the morale of the Chinese inspectors——

Mr. BUSIEK. Of the Chinese interpreters, I should say.

Mr. EDSSELL. Oh, Chinese interpreters. I would say that there are several of them who are not at all desirable as inspectors, as interpreters. They don't speak good English. They are not of a class that I would choose for interpreters. But it should be understood that many of them have been in the service for years; in fact, I don't think that we have but two or three interpreters in the service at Angel Island who were appointed during my time here.

Mr. BUSIEK. Well, isn't it a fact that the longer a Chinese is in the service the more firmly he becomes entrenched and the more power he has among his countrymen in the event that he is dishonest?

Mr. EDSSELL. There is no question about that.

Mr. BUSIEK. Now, Mr. Edsell, what is the pay that these interpreters receive, maximum and minimum?

Mr. EDSSELL. Twelve hundred to fifteen hundred for exclusive interpreters. Of course, Inspector and Interpreter Gardner——

Mr. BUSIEK. He gets \$6 a day, doesn't he?

Mr. EDSSELL. He gets \$6 a day for his unusual qualifications as a translator and interpreter.

Mr. BUSIEK. Now, Mr. Edsell, isn't it a fact that one of your interpreters by the name of Parks, Ed Parks, has two automobiles, one of them a Winton Six?

Mr. EDSSELL. I know he has one. I don't know of the other.

Mr. BUSIEK. Isn't it a fact that it is current rumor and report and that you have heard it frequently and even had it brought to you when you were making an investigation of Dr. Gardner that Ed Parks was mixed up in the Chinese slave traffic and that he was guilty of extortion?

Mr. EDSSELL. There were charges made against him anonymously and perhaps under fictitious names as to dishonesty. I don't recall.

Mr. BUSIEK. Didn't Miss Cameron, just to refresh your recollection, tell you that she had heard of some things about Parks that she had heard about, namely, that he was interested in bringing over Chinese girls?

Mr. EDSSELL. I believe she did.

Mr. BUSIEK. Yes. And haven't you heard a great deal about Parks being guilty of extortion. Isn't that current among the Chinese?

Mr. EDSSELL. More about Parks than any other interpreter in the station.

Mr. BUSIEK. How about Chin Jack?

Mr. EDSSELL. Some about Chin Jack, but not so much.

Mr. BUSIEK. Chin Jack is also generally known as partner in a lottery, isn't he; a Chinese lottery?

Mr. EDSSELL. I can't say that he is generally known, but I don't think he himself would deny it, because it is too palpably true.

Mr. BUSIEK. Have you ever reported Chin Jack to Washington in that connection?

Mr. EDSSELL. No.

Mr. BUSIEK. Chin Jack owns considerably property, does he not?

Mr. EDSSELL. Appears so.

Mr. BUSIEK. And he appears to be quite a spender.

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Have you ever heard these stories about Whoe Tong?

Mr. EDSSELL. Whoe Tong has disturbed me for a long time as to his tendencies and the probability that he was not playing altogether fair, but repeated complaints to the bureau were fruitless.

Mr. BUSIEK. Mr. Edsell, isn't it a matter of fact that it is practically impossible to get any Chinese to directly give testimony of corrupt dealings with an interpreter?

Mr. EDSSELL. It is very difficult to get them to testify and more difficult to get them to make a statement which will show consistency one with the other.

Mr. BUSIEK. Mr. Edsell, you investigated Dr. Gardner, did you not?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. And you spent almost two years in that investigation?

Mr. EDSSELL. A year and a half.

Mr. BUSIEK. Or a year and a half at least.

Mr. EDSSELL. A year and a half.

Mr. BUSIEK. And there is no man in the service who has been so persistently the subject of attack as Dr. Gardner; isn't that true?

Mr. EDSSELL. I think that is unquestionably true.

Mr. BUSIEK. And he has been the subject of attack for some twenty-odd years that he has been connected with the United States Immigration Service, and was the subject of attack when he was connected with the British service; is that not true?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. And the nature of the complaints is the same in all instances, is it not; that is, the same general category of crime?

Mr. EDSSELL. I found it to be the same story practically from 1883 to 1912.

Mr. BUSIEK. You investigated his record in Canada, did you not, and found that as a matter of fact the Dominion Government was so convinced of his guilt of dishonest practices and yet felt that his tracks had been so artfully covered that they could not make proof, so that they abolished the station at which he was employed for a short period of time just to get him out of the service, and then when he had gotten out of the service they reestablished the station; is that not true?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. And you found, did you not, that when he was in the service in Victoria that the newspapers, or a newspaper, made an attack on him, charging him with extortion, charging him with accepting bribes, charging him with being a member of the Highbinder Society and forming a criminal conspiracy, charging him with opening a rescue home for Chicago prostitutes, and that after he would get them into his rescue home he would sell them out to other houses of prostitution, and that those things were all published, and that Gardner never brought any action for libel either civil or criminal; isn't that true?

Mr. EDSSELL. With some little amendment.

Mr. BUSIEK. Well, if I have forgotten anything, put it in.

Mr. EDSSELL. The charge as to his handling these girls was he married them off to Chinese in the United States.

Mr. BUSIEK. Who used them as wives or put them into——

Mr. EDSSELL. Yes.

Mr. BUSIEK. Into houses of prostitution?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Now, wasn't he also charged up there with—well, I will leave that, because that is a long time ago. Now, he came down to the United States

and got into the Immigration Service here in San Francisco ultimately. He was a member of—did you not find that he was a member of the Chinese Baptist Church?

Mr. EDSSELL. Yes, sir; assistant pastor, I think.

Mr. BUSIEK. Of the Chinese Presbyterian Church?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. And did you not find that he was expelled from the church, or that action was taken compelling him to leave the church because the Chinese had said he was engaged in assisting in placing Chinese girls in houses of prostitution and other crimes of like nature?

Mr. EDSSELL. Those were the charges made, although my investigations did not disclose any record evidence that he was actually dismissed. There were many statements made to the effect that he was dismissed, but it was unquestionably true that his parting with the church transpired after the filing of the charges and apparently as a result of that.

Mr. BUSIEK. And such charges as I have detailed?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Isn't it true that that is practically the same story with the Chinese Methodist congregation here and his connection therewith?

Mr. EDSSELL. The same.

Mr. BUSIEK. Isn't it true that a Miss Cameron, who ran a Chinese Presbyterian home here and takes care of wayward Chinese girls and has a school, that she was Dr. Gardner's friend for many years, but ultimately became convinced he was engaged in assisting Chinese prostitution, and so told you when you made your investigation?

Mr. EDSSELL. Yes, sir; she gave formal testimony to that effect.

Mr. BUSIEK. And said she knew of a number of cases; that is, where she had been told that by the girls themselves?

Mr. EDSSELL. She furnished some witnesses and pointed to others, some of whom I made a most earnest effort to get to testify and was not successful.

Mr. BUSIEK. Isn't it a fact you interviewed many of the leading Chinese here of San Francisco, and that without exception they all mentioned or they all testified that Dr. Gardner's reputation was bad; that he was engaged in the Chinese slave traffic; that he had to be paid or was paid money in many instances for allowing Chinese to land; that he was a partner in crime with a noted smuggler; that he had frequent dealings with a noted Chinese gambling-house keeper?

Mr. EDSSELL. Yes sir; he was frequently pointed to as an ally of a man named Woo Wai, who, while the investigation was in progress, was under indictment for conspiracy to smuggle Chinese. He was subsequently convicted and stands convicted to-day under a—according to my recollection—two years' sentence and \$5,000 fine, and his case is on appeal. He was the most frequently mentioned in connection with Dr. Gardner, and, as you have said, there were many, many prominent Chinese who would tell of such a connection informally, but some of them would not testify. It is very difficult to get a prominent Chinese to testify at all.

Mr. BUSIEK. Isn't it a fact, Mr. Edsell, he was also stated to have a connection with one Yee Mee, a noted gambling-house keeper here?

Mr. EDSSELL. Yes, sir. Yee Mee is at the present moment an applicant before our office for indorsement as a native citizen of the United States, and we are fighting him to the utmost.

Mr. BUSIEK. Wasn't he landed through Dr. Gardner's help, as a native born?

Mr. EDSSELL. I am not able to say that.

Mr. BUSIEK. Hasn't that been brought to your attention—Yee Mee's case?

Mr. EDSSELL. I believe such a statement was made.

Mr. BUSIEK. Mr. Edsell, did you find a single reputable Chinaman who didn't give Dr. Gardner the same name that he has been given in these questions? Did you find a single decent or reputable Chinaman who would have a good word to say for Dr. Gardner?

Mr. EDSSELL. Well, I think there were some who did say that they had always been treated fairly by Dr. Gardner, and that they didn't have anything to say, but their statements were rather negative than affirmative.

Mr. BUSIEK. Isn't it a fact that Dr. Gardner's name and his supposed power strikes terror to every Chinaman in San Francisco?

Mr. EDSSELL. They have fear of him, there is no question about that.

Mr. BUSIEK. Isn't it a fact that to-day there is not a Chinese in San Francisco who will dare operate openly against Dr. Gardner for fear of retribution that they feel he is able to bring upon them?

Mr. EDSSELL. He has a remarkable reputation for reprisal, and it is unquestionably well founded, for the reason that throughout his history from 1883 to this day are to be found the corpses of official reputations.

Mr. BUSIEK. Of men who have dared——

Mr. EDSSELL. Of men who have dared to oppose him.

Mr. BUSIEK. That is true not only in the United States, but also in Canada, is it not?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Isn't it a fact, Mr. Edsell, that in your investigation you took the testimony of probably as many as 50 witnesses, which you transmitted to the bureau at Washington, and that with the exception possibly of one or two men, every one of these witnesses spoke in no unmeasured terms of Dr. Gardner's corruption; of his participation in the slave traffic, and his friendship for Chinese of the Woo Wai and Yee Mee type, and that many of the Chinese gave specific instances of alleged cases of where he received money, running up into probably two dozen cases. Is that not true?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. And that record was transmitted by you to Washington?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. If that developed the fact that in your report you called attention to the many many discrepancies in corroborating testimony?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. These discrepancies concerned rather the time and place of payment rather than the amount involved or the chief particulars of the case, did they not?

Mr. EDSSELL. Yes, sir; yet the discrepancies were so substantial that it was apparent that there was something wrong about the testimony. No two persons could have had real knowledge of the facts that they claimed to have knowledge of, and yet be so widely apart in their statements.

Mr. BUSIEK. Are not the discrepancies, or could not they be accounted for in taking this as a typical case: A Chinese by the name of Louis Quong, I believe, testified he had loaned a partner of his \$400 to pay Dr. Gardner; that the money was paid under his very eyes at a certain time, and that he had a record of that transaction and kept it in an account book and produced the book; that when you went to his partner for verification, he admitted paying the \$400, but said he didn't hand it to Dr. Gardner personally, but handed it to another man who took Dr. Gardner out and came back later and said that he had given it to Dr. Gardner. Now, the Chinaman knowing he had committed a crime by bribing Inspector Gardner, wouldn't it be expected that the Chinaman would try to shoulder the actual paying of the money off onto some one else who is now off in China. Wouldn't that be the way?

Mr. EDSSELL. That is, yes, sir.

Mr. BUSIEK. Are not those discrepancies just such things as might be accounted for by such hypotheses? That when the man who did the bribing was brought before you, he generally admitted he paid the money, but said some one else had come to him and said it could be fixed and that he gave him the money and didn't know where it had gone to, but he had heard it got to Dr. Gardner?

Mr. EDSSELL. Yes, sir. In one instance there was no substantial discrepancy, but the Chinese who told the story was of such disreputable association that it was difficult to reach a verdict of guilty on that one case alone. That was the case of Wong Yee Yen, the old Chinese doctor.

Mr. BUSIEK. Is he also known as an opium smuggler?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. But that Chinese kept an account book in which he had entered he paid Pah Wah John——

Mr. EDSSELL. That means White Talk.

Mr. BUSIEK. That is Gardner's alias in Chinatown?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. He had that entry that he had paid him \$250 on that date?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. And that entry was made in an account involving the bringing in of Chinese prostitutes, is that not true?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Did you satisfy yourself that it was not an afterthought or insertion?

Mr. EDSSELL. That would have been almost impossible from the context in the book.

Mr. BUSIEK. Did you take a photograph of the page and transmit it as an exhibit?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Then there was another instance, was there not, of a Chinese who testified to having seen a noted Chinese character known as a smuggler and an opium dealer, hand Gardner a handful of \$20 gold pieces over in Oakland one night; is that not true?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Did you find any discrepancy or anything that militated against that statement, except the man's reputation who made it?

Mr. EDSSELL. That story had no confirmation or substantiation at all. That simply was his story and was to be accepted for what it was worth.

Mr. BUSIEK. But didn't that rather confirm the stories that had been going the rounds and been so persistent that Dr. Gardner used to go over to Oakland and do his collecting?

Mr. EDSSELL. Yes, sir; it would have a tendency to confirm the alleged situation which existed.

Mr. BUSIEK. Mr. Edsell, what is the effect of Gardner's connection with the service upon the Chinese population of San Francisco, as to whether or not it makes it easy for any dishonest or corrupt Chinese interpreter to graft?

Mr. EDSSELL. The Chinese have often said to me: "Why don't the Government get rid of Inspector Gardner?" And my uniform answer has been: "Why don't the Chinese furnish proof for what they allege is true?" Well, that is the only answer that can be made.

Mr. BUSIEK. They made a supreme effort in the case of the investigation you made, didn't they?

Mr. EDSSELL. Yes, sir; or rather I made a supreme effort to get it.

Mr. BUSIEK. And the information which you got was not the information of people who had a grudge against Gardner, which they were volunteering, but was rather information you had to go after and wring out of them, is that not a fact?

Mr. EDSSELL. In some instances, and in other instances it was quite apparent there was some animus.

Mr. BUSIEK. Can you remember any specific instance of any witness that had apparent animus?

Mr. EDSSELL. I don't feel that Louis Quong felt kindly toward Dr. Gardner, yet I am not able to say why. I discovered no such animus behind the testimony of Wong Yee Yin.

Mr. BUSIEK. Or Tom Way?

Mr. EDSSELL. Or Tom Way. There was no animus behind his testimony, he was honestly desirous of being able to do anything he could to help me in my investigation, purely for the benefit of the service, in which he felt some interest by reason of his former connection with it.

Mr. BUSIEK. Mr. Edsell, does Inspector Gardner have the grading and rating of Chinese interpreters at this station directly under his control?

Mr. EDSSELL. Well, there never has been any grading or rating but once.

Mr. BUSIEK. Well, who made that?

Mr. EDSSELL. Dr. Gardner.

Mr. BUSIEK. And Gardner, of course, is conceded to be an A No. 1 Chinese student and scholar, is he not?

Mr. EDSSELL. Yes, sir; I don't think there is any doubt but that he is the peer of anybody in the United States in his knowledge of Chinese, both colloquial and written.

Mr. BUSIEK. Mr. Edsell, I would like you to give the commission some idea about the reliability of Dr. Gardner.

Mr. EDSSELL. Dr. Gardner is a capable, polished suave official. He is a most pleasing personality, and employs that attribute to the very best advantage in making friends, but he undoubtedly possesses the cunning and designing tendencies of the oriental. He is unforgiving in his dislikes, and given to reprisal in every instance where his ambitions are opposed. He has visited many persons with various forms of reprisal, and I have every reason to believe he was

planing reprisal against me when I was making my investigation. He has the capability and experience and knowledge to be one of the most valuable men in the service.

Mr. BUSIEK. Well, is he valuable to the service, with his reputation?

Mr. EDSSELL. That was what I felt it was up to the department to judge. I worked hard, worked conscientiously and I hope I worked fairly to try to get before the department everything that would lead to an intelligent judgment of whether he should remain in the service. I was charged with the investigation of and recommendation on certain specific charges involving integrity. I investigated those specific charges and went a great deal further in reaching out as to correlative charges that were made on his integrity—against his integrity. I could not get positive proof that he had been guilty of dishonesty, but incidents I presented could have been the basis for any kind of administrative action which they wanted to take, and in that record which was furnished I would not have been one bit surprised if they had summarily dismissed him from the service as an administrative expedient.

Mr. BUSIEK. Well, in fact, were you not surprised that they didn't?

Mr. EDSSELL. Yes, sir.

Mr. BUSIEK. Mr. Edsell, have you ever heard of any man who has ever had as much hurled at him as that who was entirely innocent? If an innocent man, wouldn't his record be unique and absolutely unparalleled?

Mr. EDSSELL. Well, of course, that is placing me in a pretty hard position, to give an opinion on that point. The record was a very bad one.

Mr. BUSIEK. Mr. Edsell, to get off onto an entirely different subject: You are familiar with the proposed bill Commissioner Weinstock took up with you, which would reregister the Chinese, a bill designed to enable the easy identification of Chinese now in the country, and also to enable easy identification of Chinese who may subsequently come in and come in unlawfully, enabling the Immigration Bureau to effect their deportation. I want you to briefly discuss with the commission your ideas of the proposed bill. I have asked you to formulate your ideas, but you can tell them in your own way now.

Mr. EDSSELL. I do not believe I have seen the bill as it was finally prepared. Did I, Mr. Weinstock?

Commissioner WEINSTOCK. I am not altogether sure of that, Mr. Edsell. I have never seen Mr. Harrington's draft. Well, it is a bill, I have got an abstract of the salient paragraphs here. You have a copy of it, haven't you, Mr. Busiek?

Mr. BUSIEK. Mr. Edsell, the things we discussed were the feasibility of re-registration, whether or not under the law the Chinese would reregister if given that opportunity, or whether or not they could be compelled to reregister.

Commissioner WEINSTOCK. Sections 5 and 5½ of the proposed amended bill [handing paper to Mr. Edsell]. You can run it over and comment upon it as you go along, if you like.

Mr. EDSSELL. I do not believe it would be possible for me to express an intelligent opinion of this proposed bill without a careful consideration of every phrase on it.

Commissioner WEINSTOCK. The idea, Mr. Edsell, if you will pardon the interruption, is not so much to get your opinion as to phraseology, but to get your opinion on the salient points, whether the method in mind in your judgment is a good or bad one: First, the idea of re-registration, making it compulsory on all laborers, voluntary on all members of the privileged classes; second, the idea of having inspection squads, which I think you will recall was your suggestion, to check up the Chinese all over the country at stated periods after the period of registration has expired. Those are the two points we would like to discuss. The mere phraseology would be a question of getting a trained attorney to work it out.

Commissioner O'CONNELL. The details could be worked out afterwards?

Mr. EDSSELL. Yes. Of course, in glancing over it I see such things as "Not less than \$500 as bail bond."

Commissioner O'CONNELL. That is a detail.

Mr. EDSSELL. That does not involve phraseology, but it involves a knowledge of what would happen with a \$500 bond. It doesn't amount to that [snapping fingers]. It should not be less than a thousand.

Commissioner WEINSTOCK. I see. The details we can take up later. First, we want to get at the weak spots, if any, in the salient points.

Mr. EDSELL. As to the proposal for the reregistration of the Chinese, I was particular in the discussion of the matter to be—to observe several very serious difficulties in the way. Reregistration would be of no value unless you could secure practically unanimity of action on the part of the Chinese. The difficulties in the way of securing unanimity of action are: That you have the native Chinese to deal with, and also the Chinese members of the exempt classes. It is quite apparent that you could not force the native to register unless it be through a police measure, and the exempt, while he might be forced to register, some of them would not register if it was merely left to their own election. I think, therefore, to secure reregistration, or to pass a reregistration act, to make it successful, you must have the power behind it which will secure practically unanimity from the Chinese; otherwise, it would be a lot of effort and money for nothing.

Commissioner WEINSTOCK. While you are on that point, Mr. Edsell, let me invite your opinion on this phase of it: Granting that if there was no compensation attached to reregistration, but those that belong to the privileged classes would have no incentive to register, and as a rule, perhaps, would not register, and in view of the fact that there is a compensation attached to reregistration on the part of the privileged classes, is it or is it not likely that the privileged classes as a rule would avail themselves of the privilege of reregistration. The compensation, as I take it, is this: Under the present system a privileged Chinaman leaving or returning to this country is subjected to more or less annoyance, delay, and vexation by the authorities. Once registered he is furnished with a certificate, which, without annoyance or delay or vexation, permits him to travel to and fro as does any citizen of the country. Will not that compensation be a very great inducement for the members of the privileged class voluntarily to register?

Mr. EDSELL. I think it would unquestionably. I do not mean to say that if you were to give to the Chinese such compensation as you have pointed to, but make it fully and thoroughly understood among them that those compensations were offered them for reregistration, I do not mean to say that they will not register, but I merely mean to say that unless you did secure unanimity of registration it would not be a success. I really believe that if you were to offer the Chinese that freedom of movement that would come with that registration and the privilege of departing and returning to the United States unhampered, except as to the presentation of the certificate, the compensation is a great one, and would undoubtedly prove attractive to them. Then if those compensations were coupled with a real effort on the part of the men who did the reregistering, to make it thoroughly understood, carefully understood, so that they would not get erroneous ideas of it, as you know they are prone to get, I have no doubt that reregistration could be accomplished.

Commissioner WEINSTOCK. Did you see the communication that Ng Poon Chew sent me in that connection?

Mr. EDSELL. Not the last one. I heard about it, though.

Commissioner WEINSTOCK. For your information, let me read it, as it may throw additional light upon the situation. You will recall, Mr. Edsell, that at our last conference held in my house at which you, Dr. Chew, and I were present, the program was that this matter was to be submitted to the representative of the Chinese companies, the Chinese Chamber of Commerce, and that he was to explain it to them, and that we were to send him a draft of the amended proposition, which amended proposition was sent [reading]:

"Your favor inclosing proposed act was duly received and carefully noted. I have had also several pleasant discussions with Judge Harrington on the same subject.

"The draft of the bill is agreeable to me, and I think it ought to be adopted and agreed upon by the Chinese people. The whole thing is now in the hands of Mr. McNab, and the Chinese people will not discuss about it until a report is had from Mr. McNab. I am sorry that I shall not be here at the time of the discussion by the Chinese people, but I think it will be favorably received when it does come back to them for action."

Mr. EDSELL. That makes it apparent that the Chinese can be won over if they thoroughly understand it as Dr. Chew does now. And you will also recall that he was prone to get misunderstandings of the purpose.

Commissioner WEINSTOCK. No. He didn't have a misunderstanding of it. He understood it perfectly, but he was opposed to the feature which made registration on the part of the privileged classes. When that objection on his part was removed—

Mr. EDSELL. He fell in with it.

Commissioner WEINSTOCK. He favored it, as you see. Now, the other idea that the proposed legislation covers is the one of having inspection crews, who are to check up at regular intervals throughout the country. We would be glad to get your judgment on that point. For your further information, it should be stated that Mr. Taylor in testifying this morning frankly admitted that a Chinaman once in the country is practically safe, because there is no effort to check them up. And I gather further from his testimony that instructions had been received from headquarters that they were not to be molested in any way, the Chinese generally were not to be molested in any way, which practically means that once here they are here for keeps.

Commissioner O'CONNELL. That is the information we have got.

Commissioner GARRETSON. Was it headquarters, or issued locally in this territory?

Mr. BUSIEK. I do not know of any order. It is done, all right.

Commissioner O'CONNELL. It has been admitted by all who have come before us in connection with this question in all the cities we have held the hearings, that once a Chinaman gets in, there is practically no way to get him out.

Mr. EDSELL. That is a condition, not an instruction. There is no instruction to not arrest Chinese, nor to not check them up. There have been instructions at various times which could easily be interpreted to mean that.

Commissioner GARRETSON. It is evidently a different interpretation then, because the statement was made here, under oath this morning, that on coming into this territory that he had been confronted with an executive order, I think was the phrase he used, not to disturb Chinamen, and that it was formally withdrawn afterwards by an order which was framed by him and another person named, and received after that the approval of the Commissioner General. Am I quoting him correctly?

Commissioner WEINSTOCK. I think so.

Commissioner GARRETSON. In general terms.

Mr. EDSELL. The San Francisco office has no knowledge of any correspondence or orders.

Commissioner WEINSTOCK. But the fact remains, does it not, that the Chinaman once in this country is reasonably safe and his chances of deportation are remote?

Mr. EDSELL. Yes. If you would like to see, I have here, I am quite sure, a report we made three or four years ago to the bureau on the conditions which existed in that direction.

Commissioner WEINSTOCK. You could file a copy of your report with us, Mr. Edsell.

Mr. EDSELL. It is not long.

Commissioner O'CONNELL. Give us the number and we can get it.

Mr. EDSELL. Just a paragraph in a letter.

Commissioner WEINSTOCK. That is all right.

Mr. BUSIEK. Mr. Edsell, I would like to ask you one question. Should the Chinese be allowed to reregister, what would be the effect upon the number of applications for admission as sons of merchants?

Mr. EDSELL. Well, it would undoubtedly tend to increase.

Mr. BUSIEK. Markedly or otherwise?

Mr. EDSELL. The number of such applications by reason of the fact that it would legalize the residence of some of those who are afraid to come forward now.

Mr. BUSIEK. Thousands of them, isn't that true, Mr. Edsell?

Mr. EDSELL. Well, I am not able to say, but there would undoubtedly be quite a number. But it must also be remembered that those very men who now—who would come in under that reregistration are now accomplishing much the same purpose by other subterfuges—or by subterfuges such as becoming merchants, and after a couple of years they come forward as merchants and qualify. Others come forward and try the native game, fix their status as natives. But, of course, beyond that there are undoubtedly a considerable number, how large I can not say, who have not had the temerity to come forward and make any claim at all. They are satisfied to rest quiet and say nothing.

Commissioner GARRETSON. What is the status——

Commissioner WEINSTOCK. What would happen to them if they were followed up by a checking-up crew?

Mr. EDSSELL. Well, there would be a number of things happen. First, if the Chinese who are now in the United States were kept constantly moving, the value of their residence would drop. A man could not keep his employment. He must be undisturbed to keep his work going, and unless he can keep his work going he can't pay for his smuggling, and if he can't pay for his smuggling, down goes the price of smuggling. You let an arrest crew visit Chinese communities unexpectedly, not periodically but unexpectedly, let them jump from one district to another, let it not be known where they are going next.

Commissioner GARRETSON. Outrun the methods of transmission that maintain among the natives.

Mr. EDSSELL. Yes, in some way; and let them quietly go around and check up Chinese. They don't have to go through it completely, because the very fact that they were doing it at all would render the residence of all who were there unsafe and uncertain.

Commissioner GARRETSON. Yes.

Commissioner WEINSTOCK. You mean so far as the contrabands are concerned it would create a reign of terror?

Mr. EDSSELL. Yes, exactly. They would move. That is their way of doing. They get out bag and baggage. They don't merely go into hiding some place, they get out, get clear out. Well, that course of procedure would render their employment unsteady, would render their incomes unsteady, and would ultimately do away with the incentive to Chinese smuggling.

Commissioner GARRETSON. Take the profit out of the business.

Mr. EDSSELL. That to-day is the profit that there is in it. You can have an army on the border, but you can't keep them out.

Commissioner GARRETSON. What is the status of the penny merchant to-day, the Chinaman in the country, does that affect him in any way, is he as a merchant any more free to remain than a laborer?

Mr. EDSSELL. Oh, absolutely, absolutely safe.

Commissioner WEINSTOCK. Now, this thought comes to me, Mr. Edsell. Isn't it a fact that the instances are very rare where a Chinaman of his own volition would attempt to smuggle himself into the country, that as a rule it is handled as a business by professional smugglers to make a profit out of it?

Mr. EDSSELL. Always.

Commissioner WEINSTOCK. Very well.

Mr. EDSSELL. There are rare exceptions.

Commissioner WEINSTOCK. The science lies in taking away the profit; that if the profit could be taken out of the game the smuggling would die. Now, with that end in view, this further suggestion was made by an attorney who had had a good deal of experience in Chinese matters in Boston, that the contraband Chinaman when caught should be penalized. He pointed out that now all that happens to him is that he is deported, and if in addition—but if before deportation he was subjected to imprisonment, that that would have a further important deterring and restraining influence. If the Chinamen understood, as they would very quickly, that an attempt at smuggling themselves into the country meant all of these things—first the physical hardship and privation; second, the expense; third, the uncertainty of being permitted to remain here; fourth, the certainty that if they are caught they will not only be deported, but also imprisoned in advance of their deportation; that that combination of penalties would tend to in time wipe out the whole industry?

Mr. EDSSELL. Yes; perhaps imprisonment would have an additional fear for them.

Commissioner O'CONNELL. Now, Mr. Edsell, will you take the proposition as we have it there and give it close analysis and criticism and write us your opinion upon it based upon your experience, and in addition give us your opinion of the present laws and what remedies might be made of the present laws—regardless of this idea—the present immigration law?

Mr. EDSSELL. Yes; you mean Chinese law?

Commissioner O'CONNELL. Chinese; oh, yes; exclusively Chinese. So that we would have both your opinion on that and your opinion on the other. We have had some suggestions as to the present law outside of this, as to what might be done to straighten the present method of conducting the business. If you will do it at your leisure and send it to headquarters in a brief time, I think the commission will be grateful.

Mr. EDSSELL. Very glad to.

Commissioner O'CONNELL. I want to get into the record Mr. Gardner's nationality.

Mr. BUSIEK. We have that in the form of a report.

Commissioner O'CONNELL. Well, I want it in the record. What is his nationality?

Mr. EDSSELL. Dr. Gardner is the fruit of a marriage between a half-breed Chinese woman and a white father.

Commissioner GARRETSON. Do you know what race the father was?

Mr. BUSIEK. He was an American.

Commissioner GARRETSON. American?

Mr. BUSIEK. Yes.

Mr. EDSSELL. He was an American allegedly descended from an old family of Salem, Mass.

Commissioner GARRETSON. The marriage took place in China?

Mr. EDSSELL. Yes, sir.

Commissioner GARRETSON. The woman was what was known in that country, in the East as an Eurasian.

Mr. EDSSELL. Yes.

Commissioner WEINSTOCK. Half-breed.

Commissioner GARRETSON. Half blood; that is, child of a white father and a native woman.

Mr. EDSSELL. Yes; that is right. She was the fruit of a marriage between a German and a Chinese. And she is living here in San Francisco to-day.

Commissioner WEINSTOCK. Does she live as a Chinese woman—follow the habits and customs of the Chinese?

Mr. EDSSELL. No; not now.

Commissioner WEINSTOCK. She dresses European fashion?

Mr. EDSSELL. Yes, sir. I never saw her until on the occasion of Dr. Gardner's daughter's wedding about—well, in June.

Commissioner O'CONNELL. I want to get in the record for purposes of precedent—

Commissioner GARRETSON. You might as well make it complete. Is he wedded to a white woman?

Mr. EDSSELL. Yes, sir. He married a British Columbia lady.

Commissioner GARRETSON. Is there any other matter? Have you any further requirements from Mr. Edsell?

Mr. BUSIEK. No.

Commissioner GARRETSON. You will be excused from further attendance.

The commission will stand adjourned until 9 a. m.

Commissioner WEINSTOCK. Nine a. m?

Commissioner GARRETSON. Yes.

Commissioner WEINSTOCK. Sharp?

Commissioner GARRETSON. Yes.

(Whereupon, at 4.30 o'clock p. m., an adjournment was taken until the following day, Saturday, September 5, 1914, at 9 o'clock a. m.)

SAN FRANCISCO, CAL., *Saturday, September 5, 1914—10.15 a. m.*

Executive session continued per adjournment. Present, as before.

TESTIMONY OF MR. FRANK H. AINSWORTH

Chairman WALSH. You may proceed, Mr. Weinstock.

Commissioner WEINSTOCK. Have you received a copy, Captain, of the proposed—

Chairman WALSH. Have the captain state who he is.

Commissioner WEINSTOCK. I think the reporter has got that.

Mr. AINSWORTH. Frank H. Ainsworth, inspector in charge, Immigration Service, San Francisco.

Commissioner WEINSTOCK. Have you seen a copy, Captain, of the proposed changes in the Chinese immigration law that has been submitted to this commission?

Mr. AINSWORTH. Why, I saw a draft which was somewhat of an elaboration upon a draft that I made and which was introduced by Mr. Raker, known as House bill 2133, and the draft which I have seen embraced a part of that bill and also a number of changes.

Commissioner WEINSTOCK. Well, the two important changes in the proposed amendments are these, first, that all the Chinese in this country be called upon to reregister.

Mr. AINSWORTH. Yes.

Commissioner WEINSTOCK. Allowing them, say, six months' time to so reregister, this reregistration to be compulsory on the part of Chinese laborers and optional on the part of the exempted and privileged Chinese.

It further provides that at the end of six months there shall be inspection crews appointed by the Secretary, each crew to consist of an inspector, interpreter, and stenographer; that those crews are to specialize on checking up Chinese all over the country; under the direction of the Secretary, they are to drop into communities at unexpected times, and to follow up every case of a Chinese laborer who is unable to show his certificate.

It has been pointed out that the weak spot in that proposition lies in the fact that it is made optional with the privileged classes to register, and since, under the law, it is not possible to make it compulsory that that might leave a wide-open door. The answer to that criticism has been that the compensation, the inducement for the privileged members to register are such that there is very little likelihood that they will, as a rule, not register, because the possession of the certificate will make it possible for them to leave this country and to return without delay, without inconvenience, without expense, without the annoying and vexatious conditions that now surround their going and coming. Those are the two prime proposed changes, having in view the minimizing of smuggling; with the further suggested amendment that in addition to deporting the contraband when caught, they should be imprisoned as well, so as to make the conditions so that there would be still greater restriction imposed on the part of the contraband to attempt to enter the country.

Now, the commission will be very glad to get your criticism of those proposed changes and to get such other suggestions as you may have that would still further minimize the possibility of smuggling.

Mr. AINSWORTH. The matter of dealing with smuggled aliens is of course an administrative matter, and inasmuch as the law prohibits the admission of certain classes of aliens, I may say, parenthetically, that it is evidence pointing to the integrity and effective administration of the Immigration Bureau that this law is so well administered that they have had to have recourse to smuggling—that is, surreptitious entry. Smuggling is a lucrative employment by reason of the amount of money that, especially Chinese, are willing to pay to be landed into the United States, and the ease, owing to natural conditions, with which it may be accomplished. There is no great physical difficulty in bringing a group of men from Mexico, where it is legal for Chinese to be, to the United States by water. I know of a man who went in a rowboat from Ensenano to San Diego. The water was comparatively smooth and he had no trouble with the elements, so that we have that incentive. I think that the Chinese themselves in China contract to pay as much as \$1,000 for safe delivery in the United States, and I believe that the commercial attractiveness of it, as far as the smuggling into the United States is concerned, is very high. I remember on one occasion we captured a boat at Half Moon Bay, a boat about 50 feet long, that had on board 40 Chinese. We have at this harbor two steamers, the *Yale* and the *Harvard*, and I venture to say that the trip of this boat was more profitable to the owner than any trip of the *Yale* or the *Harvard*, because I understand that they received about \$300 apiece; that would be \$12,000 for that one transaction. It is true we captured the owner and master and engineer, and they received imprisonment of about a year each, and they lost the boat.

Commissioner WEINSTOCK. What was the value of the boat?

Mr. AINSWORTH. I was going to say, taking the value of the boat at \$2,500 and taking a year's imprisonment in the Alameda County Jail, at the end of the year—I don't think they greatly suffered by the year's imprisonment; they were hardy seafaring men that did not have the standing in the community that the imprisonment bothered them much—at the end of the year they were ahead eight or nine thousand dollars on that transaction. That makes it an attractive feature, and as long as that attraction exists it seems to me there will be a constant effort on the part of those who are waiting to make a little easy money, if I may use the term, to resort to Chinese smuggling.

This bill I referred to provides for the registration of all Asiatics in the United States, laborers and nonlaborers.

Commissioner WEINSTOCK. This printed bill you have before you?

Mr. AINSWORTH. This is the bill that is already before the House.

Commissioner WEINSTOCK. When was it submitted?

Mr. AINSWORTH. It has been submitted.

Commissioner WEINSTOCK. When was it submitted to the House?

Mr. AINSWORTH. Introduced in the House April 10, 1913.

Commissioner WEINSTOCK. That is a year and a half ago.

Mr. AINSWORTH. Yes, sir; I would be glad to furnish a copy.

Commissioner WEINSTOCK. Can you conveniently locate the paragraph in regard to registration?

Mr. AINSWORTH. Yes, sir.

Commissioner WEINSTOCK. Will you read it?

Mr. AINSWORTH. Section 18, page 32, line 9. House bill 2133, Sixty-third Congress, first session. I read:

"That upon the passage of this act the Secretary of Labor shall direct the Commissioner General of Immigration to cause a registration of all Asiatic laborers now residing in the United States and issue to them a certificate of residence irrespective of the time or manner of their entry into the United States."

That gives them a blanket—all these people are blanketed.

"He shall further cause a registration of all Asiatic persons now in the United States other than laborers and issue to such other persons a certificate of residence irrespective of the time and method of their entry into the United States. Asiatic residents of the United States who are not eligible to citizenship thereof may return to their native country for purposes of business or pleasure without being compelled to show property interests"—I will say that that relieves a condition which we—a hardship—which we now believe exists in that a laborer must show a thousand dollars' worth of property, which frequently he does not do and it is rather an incentive to perjury—"and under such regulations as the Commissioner General may from time to time promulgate for the purpose of their proper identification. All Asiatics found within the United States and to whom certificates of residence shall be issued under the provisions of this act may be joined by their wives and minor children 16 years of age."

That is the registration provision. That is followed by a provision of deportation which is an elaboration of and supplemental to the present deportation provision.

Commissioner WEINSTOCK. By whom has that been introduced?

Mr. AINSWORTH. By Congressman Raker.

Commissioner WEINSTOCK. What are the Congressman's tendencies; are they pro or anti Asiatic?

Mr. AINSWORTH. Congressman Raker?

Commissioner WEINSTOCK. Yes.

Mr. AINSWORTH. I think Congressman Raker is anti-Asiatic.

Commissioner WEINSTOCK. Anti-Asiatic?

Mr. AINSWORTH. Anti-Asiatic.

Commissioner WEINSTOCK. Well, now, digressing for a moment, how could he under that proposed provision compel the native-born American Chinese or the privileged classes to register?

Mr. AINSWORTH. I don't think it contemplates native-born. They are citizens of the United States, and this refers to Asiatics.

Commissioner WEINSTOCK. Well, how can he, under the treaty, compel the privileged classes to register?

Mr. AINSWORTH. I doubt very much if they can be compelled.

Commissioner WEINSTOCK. They have certain treaty rights that must be respected.

Mr. AINSWORTH. I will say this: I have heard that the exempts object to registration. As a matter of practical experience, they register all the time. I will say that substantially all the exempts that we have to deal with in San Francisco, merchants, scholars, teachers—all come to us for a certificate of residence, or certificate of identity, which is registration.

Commissioner WEINSTOCK. Exactly. Now, you don't apprehend, then, any difficulty in getting the privileged classes under the proposed amendment that had been suggested to this commission, you don't apprehend any difficulty in having them register?

Mr. AINSWORTH. I think they in a very short space of time, on their own motion, would be glad to be registered.

Commissioner WEINSTOCK. And that the legality of their registering when it is left optional with them would be even greater than if it is made compulsory?

Mr. AINSWORTH. I think that is very true.

Commissioner WEINSTOCK. Then does the idea of registration meet with your approval?

Mr. AINSWORTH. Unqualifiedly; without qualification.

Commissioner WEINSTOCK. You are in favor of it?

Mr. AINSWORTH. Yes, sir.

Commissioner WEINSTOCK. Now, are you in favor of the idea of these inspection crews?

Mr. AINSWORTH. As you have outlined it, for administrative reasons, with certain limitations. For instance, here is a jurisdiction under the commissioner of immigration at the port of San Francisco which takes the State of Nevada and a portion of the State of California north of what they call the Tehachapi. I believe that any activity in immigration matters should be properly under the commissioner of immigration at this port, for the reason that in the crew that you have outlined there is one very important element lacking, and that is taking care of the case after he has been arrested and the writ issues.

We find in San Francisco that in almost every immigration case, and especially Chinese cases, there is an application for a writ of habeas corpus when the Secretary has ordered deportation. Of course, the Supreme Court has held that when the Secretary has passed upon those cases, they are closed to the court except it can be shown that there has been an unfair hearing or there has been an abuse of discretion. Well, that is so wide that very frequently judges feel, they feel at least that they must enter the application for the writ. And even if they don't, I have now in my desk 75 cases where deportation has been ordered, and application has been made for writ of habeas corpus, the district court has denied the application, and appeal has been taken to the United States Supreme Court or the circuit court of appeals, and those things go on for two or three years. So that in the crew that you refer to, unless that crew was a component part of the administrative entity of this particular jurisdiction, there would be apt to be confusion and some lost motion, I think, in their work.

Commissioner WEINSTOCK. Well, now, the details under this proposed amendment are left to the Secretary. This amendment simply outlines a general scheme, and the rest is left to the Secretary to carry it out in accordance with his best judgment and with his experience, so that it would be a matter for the department to determine, you see. It was not deemed wise and expedient to have the bill cover every possible contingency and every possible detail. We had sufficient confidence in the department to believe that they could work that out better than we could for them.

Mr. AINSWORTH. That would have this effect: It would have the effect of rendering unsafe any man who in China had contracted to pay \$1,000, or whatever the sum might be, for his delivery in the United States after that delivery could have been accomplished, and these arresting crews would render his tenure unsafe, and that would go a long ways toward preventing smuggling. But this situation has been growing for years, and I have thought in order to deal effectively with it, that is only one character of work that is necessary to stop it. I think that there are three elements involved: First, the safety of the man when he gets here; second, a reasonable supervision of the method by which he comes, and I think that that probably is not altogether a function of a peace branch of the Government. We have an institution called the Revenue-Cutter Service, and when the collector of the port calls upon—finds any violation of navigation laws he calls upon the Revenue-Cutter Service to assist him in correcting it.

I think that the Revenue-Cutter Service has the same relation to the other branch of the Government. If a vessel should come from China, Australia, or any place, any large steamer, the immigration people would not be expected to take the matter up; because, first, there is the quarantine laws, the health laws, all under the administration of the collector. And as a matter of technical fact the Chinese who may come on a steamer do not come in violation of law until they are attempted to be landed. So that I think some supervision of the means by which they come in would be also necessary to work in hand with these arresting crews after they get here.

Commissioner WEINSTOCK. Now, will you formulate that in the nature of written suggestions, Captain, and let us have it?

Mr. AINSWORTH. I should be glad to do so; yes, sir.

Commissioner WEINSTOCK. And what other suggestions occur to you in this suggestion that you think would be helpful to the commission?

What is your judgment on the suggestion that has been made to the commission that contrabands after having been caught shall not only be deported but shall also be imprisoned?

Mr. AINSWORTH. I don't think I would favor that. Deportation is pretty salutary. I can't help, in my position as an officer, I can not help but having some humane feeling for those people. Those people are not at all times here because of their own wishes. They are very frequently the victims of exploiters, people in China holding out glowing accounts of things to present to them, of their roseate future in the United States, and I think that deportation is pretty severe. I have noticed a great many aliens, and I have seen they fear deportation more than they do a short imprisonment. I believe that deportation is as far as we ought to go with Chinese unless they commit some crime against the peace.

Mr. BUSIEK. Mr. Ainsworth, will you please tell the commission about the efforts that are being made in this district to stop smuggling of Chinese by water?

Mr. AINSWORTH. At the present time?

Mr. BUSIEK. Yes.

Mr. AINSWORTH. At the present time the efforts are largely confined to Insp. Taylor and his assistant, Mr. Chadney. Up to along in March or April of this year the smuggling of Chinese was under the direct care or supervision of the commissioner of immigration. But at about that time there was a change in administrative order, and Mr. Taylor was placed in practical charge of that character of work. We cooperate with him; where we hear of any Chinese smuggling we notify Mr. Chadney. We do not usually have Mr. Taylor's address, but Mr. Chadney is stationed at Monterey, and we promptly advise him of any information of that sort, and we also notify the bureau, the collector of customs, and the commanding officer of the Revenue-Cutter Service, the tribunal where the smuggling is supposed to be by water. And I think since Mr. Taylor has had charge of the work here the only arrest and deportation that has been accomplished is upon information furnished by the commissioner's office in San Francisco, in case of a man who came in and who was captured at Vallejo.

Mr. BUSIEK. To what extent in your judgment is smuggling carried on by water?

Mr. AINSWORTH. Very extensively.

Mr. BUSIEK. What in your judgment is the best way to stop it?

Mr. AINSWORTH. As I have said to Col. Weinstock and the commission, I do not think that any one plan will completely deal with the situation. But I do think that rendering the tenure of a man after he is here unsafe is one method.

Mr. BUSIEK. My question had reference to the present law, under the present law.

Mr. AINSWORTH. Under the present law?

Mr. BUSIEK. Yes.

Mr. AINSWORTH. I am greatly in favor of calling the public to the assistance of the bureau, because of our experience, and if I may illustrate that I will recite two instances.

About two years ago I was called up on the telephone at my office by a man who asked me if I was Mr. Ainsworth. I said, "Yes.". He said, "I read some time ago in the paper about a smuggling enterprise in the Morning Star. Now, I and my father drove over to Half Moon Bay from Redwood City to have a little fishing and camping, and last night on the beach we saw a boat come in and a number of Chinese land, and we believe that they are smugglers." I says: "What is your name?" He says: "I don't want to give you my name, because I am employed in the city, and I don't want to be entangled in it." I sent some men down there and they found a boat called the *Earl K*, which had brought in 40 Chinese on the night that this man stated. We captured but two. We captured the boat and the master and the engineer and the Chinese who was engaged in the smuggling, and they were all convicted and the boat seized and sold. Now, the information in that instance came from a man whose only knowledge of the situation had been on account of publicity.

Another illustration: Some of our officers in Eureka came across a Japanese junk which had come all the way from Japan with a bunch of 10 or 12 Japanese; a little, small boat. We gave it the greatest publicity. It so happened

that the steam schooner *Henry T. Scott* was sailing early in the morning, and the captain told me afterwards that he bought two or three papers and he did not have time to read them until after he got out at sea, and then he sat down and read this account. He said that afternoon he was some miles north of Point Race and saw a peculiar looking affair, and he said he thought it was a Japanese junk, and he sent me a wireless message from sea, saying there was a suspicious craft north of Point Race and giving the location, and I sent inspectors there, and they got there about the time the Japanese got on the beach, and found it was another Japanese junk from Japan that had come across the Pacific, and we captured them all and got the boat.

Commissioner WEINSTOCK. Japanese are not prohibited from entering the State?

Mr. AINSWORTH. Oh, yes; without they come with passports.

Commissioner WEINSTOCK. Subject to deportation?

Mr. AINSWORTH. Subject to deportation under the Immigration, not under the Chinese, law. In this community there is substantial antipathy to Asiatic laborers, and I believe if the public is kept informed of the activity and efforts to bring in Asiatic laborers, they will respond as they always have done, and if that is the case we would have all over the State a body of people who every time they saw a suspicious action or suspicious automobile load of Chinese, or suspicious boat, they would sent the information in. I don't believe that would be altogether applicable to the State of Washington, where the people are in sympathy with them and where they get pay for letting them in. I think another method would have to be used there. I think publicity in this particular location and making their remaining here unsafe, and activity by revenue cutters and gasoline boats in the southern Pacific would tend to stop Chinese smuggling.

Mr. BUSIEK. Any other questions? I believe that is all.

Commissioner WEINSTOCK. Thank you very much.

Mr. BUSIEK. Lee Tin Yat.

TESTIMONY OF MR. LEE TIN YAT.

Commissioner GARRETSON. Do you solemnly swear that the testimony which you will give will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. LEE. I do.

Mr. BUSIEK. What is your name in full?

Mr. LEE. Lee Tin Yat.

Mr. BUSIEK. How long have you lived in San Francisco?

Mr. LEE. Since 1901.

Mr. BUSIEK. And what is your present occupation?

Mr. LEE. Newspaper reporter.

Mr. BUSIEK. What paper?

Mr. LEE. Chung Sai Yat Po.

Mr. BUSIEK. That is the paper of which Mr. Ng Poon Chew is president?

Mr. LEE. Yes, sir.

Mr. BUSIEK. That is a Chinese daily newspaper?

Mr. LEE. Yes, sir.

Mr. BUSIEK. In connection with your work have you ever had occasion to make an investigation of any of the Chinese interpreters at Angel Island?

Mr. LEE. You mean have I any connection with it?

Mr. BUSIEK. Have you ever looked them up? Looked up their record and found what they were doing?

Mr. LEE. Yes, sir.

Mr. BUSIEK. What ones, for instance?

Mr. LEE. You mean the interpreters?

Mr. BUSIEK. Yes, sir.

Mr. LEE. Well, I often heard it talked——

Mr. BUSIEK. What is said about Ed. Park?

Mr. LEE. Well, they say he accepts bribes.

Mr. BUSIEK. The people say Ed. Park accepts bribes?

Mr. LEE. Yes, sir.

Mr. BUSIEK. What is Ed. Park's financial standing in regard to money? How much money does he seem to have?

Mr. LEE. I could not tell. He owns a good many automobiles, two houses and lots, and big diamonds, and his wife dress very elaborate.

Mr. BUSIEK. What kind of automobile has he got?

Mr. LEE. He has one Winton Six, and Studebaker, and I heard he had a Buick.

Mr. BUSIEK. Where is his real estate?

Mr. LEE. In Berkeley.

Mr. BUSIEK. What other interpreter have you heard anything against?

Mr. LEE. Chin Jick.

Mr. BUSIEK. What have you heard about him?

Mr. LEE. Well, the Chinese said that he always tried to extortion the Chinese merchants in some way. I don't know what way, but they say he always tried to extortion the people.

Mr. BUSIEK. How is he fixed for money?

Mr. LEE. I could not tell you, but I always see he has plenty of money, couple of thousand dollars in his belt.

Mr. BUSIEK. He wears a money belt, does he?

Mr. LEE. Yes, sir.

Mr. BUSIEK. Have you ever heard anything about his connection with gambling houses?

Mr. LEE. Yes, sir; men told me he is the treasurer of one of the houses on Washington Street.

Mr. BUSIEK. What kind of a house is that?

Mr. LEE. Gambling house.

Mr. BUSIEK. And is Chin Jick married?

Mr. LEE. Yes, sir.

Mr. BUSIEK. How many times?

Mr. LEE. Men told me he has a wife in China and that he had one out here.

Mr. BUSIEK. Has Chin Jick any automobiles?

Mr. LEE. No, sir; he hasn't.

Mr. BUSIEK. Does he live in the same house one Embert Lee lives in?

Mr. LEE. Yes, sir.

Mr. BUSIEK. Embert Lee is a former interpreter for the Government, who was discharged for dishonesty, is he not?

Mr. LEE. Yes, sir; he used to be up at Seattle and San Diego.

Mr. BUSIEK. And have you ever made any investigation of Dr. Gardner?

Mr. LEE. Yes, sir; I did.

Mr. BUSIEK. Tell me first what is Dr. Gardner's reputation here in San Francisco among the Chinese?

Mr. LEE. Well, as far as I see, he has no friend of the intelligent people—I mean the first-class, honest people, they are not friendly with him at all.

Mr. BUSIEK. What do they say that Dr. Gardner does?

Mr. LEE. He imports slaves, divides partners with a Chinese—two Chinese named, one Woo Wai, and another by the name of Woo Jick Ting, and another Chinese, Yee Mee.

Mr. BUSIEK. What does Yee Mee do?

Mr. LEE. He is nothing but gambler.

Mr. BUSIEK. What gambling house does he run?

Mr. LEE. Siberia, on Ross Alley.

Mr. BUSIEK. How does that compare in size to the other gambling houses?

Mr. LEE. The biggest in the city.

Commissioner WEINSTOCK. Is gambling allowed in the city?

Mr. LEE. Not just now.

Commissioner WEINSTOCK. How long has it been stopped?

Mr. LEE. I think about six months, but still they have some stealing—I mean they go quietly. If the police know it, they went to raid them.

Mr. BUSIEK. He is very friendly with Yee Mee?

Mr. LEE. Yee Mee and Woo Wai.

Mr. BUSIEK. How long has this been going on, these rumors about Dr. Gardner?

Mr. LEE. I think about 1905, before the earthquake.

Mr. BUSIEK. And do you know of these rumors ever having been called to the attention of the officials out at Angel Island? Have they ever heard about this talk that is going around, to your knowledge?

Mr. LEE. Yes, sir; Mr. Edsell has took my statement once.

Mr. BUSIEK. And did you help Mr. Edsell get other statements?

Mr. LEE. Yes, sir; I did.

Mr. BUSIEK. And did you help him get hold of a book which has some transactions in it?

Mr. LEE. I didn't help him get the book, but I heard he could get the book.

Mr. BUSIEK. I will hand you this book and ask you to tell the commission what it is, or whose it is first.

Mr. LEE. It is a book for three or four years for the Hop Yick Co.

Mr. BUSIEK. What kind of transactions are recorded in that book? What are the nature of the transactions recorded in that book? What do they deal with, Mr. Lee?

Mr. LEE. Some of opium, tobacco, lotteries, borrowing account, lotteries, opium, borrowing, medicine, opium.

Mr. BUSIEK. Just to get the thing out shortly. You have gone over this book with me, have you not?

Mr. LEE. Yes, sir.

Mr. BUSIEK. And you have found that it is filled with incidents of opium-smuggling accounts?

Mr. LEE. Yes, sir.

Mr. BUSIEK. And with lottery accounts?

Mr. LEE. Yes, sir.

Mr. BUSIEK. And with smuggling operations or other operations of other kinds where Chinese crew men bring things off the ships?

Mr. LEE. Yes, sir.

Mr. BUSIEK. And I wish you would tell the commission about this account, and what does this account deal with—these two pages in that book.

Mr. LEE. This is a two-partner society—

Mr. BUSIEK. Mutual benefit society.

Mr. LEE. That is the heading of that account. That means only two men in the partner society.

Mr. BUSIEK. And what does the amount relate to, and what does it deal with generally, the whole account?

Mr. LEE. Railroad fare, telephone expense, lawyer fee [reading from book], telephones, dinner, car fare, and comes one item here. "Pay for the girl dinner \$1," the next column, "Pay for Pak Wah Jon \$250."

Commissioner O'CONNELL. That \$250, what is that?

Mr. BUSIEK. What is that item of \$250 there, and who is Pak Wah Jon?

Mr. LEE. You know, in Chinatown they call Gardner Pak Wah Jon. You take everybody on the street, ask him who is Pak Wah Jon at the bureau; yes, they know what it is.

Commissioner WEINSTOCK. That is his Chinese name?

Mr. LEE. Yes.

Mr. BUSIEK. What does that mean in Chinese, Pak Wah Jon?

Mr. LEE. Means he speaks Chinese.

Commissioner WEINSTOCK. Interpreter?

Mr. LEE. Yes; it means he speaks Chinese.

Mr. BUSIEK. And that is paid to Pak Wah Jon there, \$250?

Mr. LEE. Paid to Pak Wah Jon \$250.

Mr. BUSIEK. Now, what is the next item?

Mr. LEE. The next item is pay care fare, 50 cents.

Mr. BUSIEK. Now, show the commission item that is, pay to Pak Wah Jon—between those two marks.

(The book produced by the witness was handed to the commissioners and inspected by them.)

Mr. BUSIEK. I want you to notice that it is not an insertion.

Mr. LEE. You see, I can make this character individually and show you plainly [illustrating with pencil] two—hundred—five—ten dollars—there is two—hundred—five—ten—dollars—that means \$250.

Mr. BUSIEK. Now, the whole two pages deal with the admission of a Chinese prostitute, does it not?

Mr. LEE. Yes.

Commissioner WEINSTOCK. Chinese what?

Mr. BUSIEK. Chinese prostitute.

Mr. LEE. Prostitute.

Mr. BUSIEK. And at the end there is an adding up of all the expenses paid out and a dividing of the profits, is there not?

Mr. LEE. Yes, sir.

Mr. BUSIEK. What were the profits in that case?

Mr. LEE. Two hundred ninety dollars seventy cents.

Mr. BUSIEK. A piece?

Mr. LEE. A piece.

Mr. BUSIEK. How much did they receive for the whole transaction?

Mr. LEE. It says profit, it states the profit \$1,397.

Commissioner WEINSTOCK. Well, what were the gross receipts; how much money did they get altogether?

Commissioner GARRETSON. The total.

Mr. BUSIEK. Before they began deducting the expenses.

Mr. LEE. One thousand six hundred and seven dollars and seventy-eight cents.

Commissioner WEINSTOCK. What were the expenses?

Mr. LEE. This is cost, but don't say what cost; cost \$1,607.78.

Commissioner WEINSTOCK. Sixteen eleven?

Mr. LEE. One thousand six hundred and seven dollars and seventy-eight cents.

Commissioner WEINSTOCK. That is the money that came in?

Mr. LEE. This total paid, \$1,130.35; then items paid, \$1,070.75, equal \$477.50.

Mr. BUSIEK. That was evidently mixed.

Mr. LEE. Yes; maybe so.

Commissioner WEINSTOCK. What I want to get at are the gross receipts and the gross disbursements so that the difference would show the profit. I want to verify those figures.

Mr. BUSIEK. The account doesn't balance. I have had this translated twice, and the thing does not balance.

Mr. LEE. It says total paid.

Commissioner WEINSTOCK. Their science of bookkeeping is very thorough, and they usually make it work perfectly.

Mr. BUSIEK. But not in this instance.

Mr. LEE. Balance on hand \$875.50

Commissioner WEINSTOCK. What were the expenses?

Mr. LEE. This is an item, cost \$1,600.78.

Commissioner WEINSTOCK. One thousand six hundred dollars and seventy-eight cents is what they paid out?

Mr. LEE. Yes.

Commissioner WEINSTOCK. How much did they get in?

Mr. LEE. They get in cost them \$170.75.

Commissioner WEINSTOCK. One hundred and seventy dollars and seventy-five cents?

Mr. LEE. Yes.

Commissioner WEINSTOCK. That would leave a profit of \$1,430.03, wouldn't it? If they got in \$1,600.78, and paid out \$170.75, that would be a difference of \$1,430.03, which would be profit?

Mr. LEE. Yes. But they don't balance right here at all.

Commissioner WEINSTOCK. It does not?

Mr. LEE. This is each share equal \$698.

Commissioner WEINSTOCK. How many shares were there?

Mr. LEE. Two.

Commissioner WEINSTOCK. That shows then a difference of \$54 unaccounted for.

Mr. LEE. Each share.

Mr. BUSIEK. You are the one who first told me about this book, are you not?

Mr. LEE. Yes.

Mr. BUSIEK. And in whose possession was this book?

Mr. LEE. Wong Yee Jim.

Mr. BUSIEK. How did you come to hear about it?

Mr. LEE. Mr. Yon Kay, my son-in-law, he told me.

Mr. BUSIEK. Yon Kay, son-in-law of yours, told you about it?

Mr. LEE. Yes.

Mr. BUSIEK. At my request you got this book this time, is that true?

Mr. LEE. Yes.

Mr. BUSIEK. You brought this book here because I asked you?

Mr. LEE. Yes.

Mr. BUSIEK. Do you know how Mr. Yon Kay got the information concerning this book; that it was in existence?

Mr. LEE. I think he told me that Mr. Edsell and him went over to this man's place and just happened when his nephew coming over from China, and then that is the only chance to get the book. Mr. Edsell promised this man that he will help him land his nephew if he give up the book, but I do not know how Yon Kay or Mr. Edsell know he has the book.

Commissioner WEINSTOCK. What year did that take place?

Mr. LEE. I think about 1908; 1908 or 1909.

Commissioner WEINSTOCK. Is there nothing in the book to give the year?

Mr. LEE. Kwong Sin 34. That is the end of the year of the old Government.

Commissioner GARRETSON. That year lapses on our year, they are not exactly the same in their starting and ending, the Chinese year and the calendar year?

Mr. LEE. No.

Commissioner WEINSTOCK. Going back to the \$1,600 received, will you tell us how that money was received, from what sources?

Mr. LEE. First time paid the girl—

Commissioner WEINSTOCK. That is an expense, don't you see?

Mr. BUSIEK. Does the book show where the money came from?

Commissioner WEINSTOCK. The \$1,600 that they received?

Mr. LEE. Received from Yi Fook.

Commissioner WEINSTOCK. Yi Fook paid \$1,000?

Mr. LEE. One thousand and seventy-seven dollars and fifty cents; they operate partnership.

Commissioner WEINSTOCK. That is not quite clear. What I want to get at, from whence did they derive their revenue?

Mr. BUSIEK. Who paid the money that they got that they divided?

Mr. LEE. About this way. You see Chinese—suppose we both go in partner, we all put money quietly first.

Commissioner GARRETSON. No record of that.

Mr. LEE. No record of that.

Commissioner GARRETSON. Just make a jack pot of all.

Commissioner WEINSTOCK. They paid this money to get this girl, and out of the money that they paid in they handed Gardner \$250?

Mr. LEE. Yes; beginning received \$300.

Commissioner WEINSTOCK. Received from whom?

Mr. LEE. Did not mention.

Paid for railroad \$31.50; pay for expense dollar and a half; pay for attorney, railroad fare, \$30; pay for clothing, \$15; pay for Yik Fuy, \$30; pay expense, \$2.

December 27. Pay attorney fee, \$50; pay attorney, railroad fare, \$35; pay three time telephone, \$2; pay Lo Toy, expense \$2; pay car fare twice, \$1; pay attorney fee, \$20; pay expense fee, \$1; pay girl buying eating stuff, \$1; pay Pak Wah Jon, \$250; pay Lo Toy, car fare, 50 cents; and pay car fare, 50 cents; and pay car fare twice, 50 cents; pay buy cigar, \$1.50; pay car fare, 30 cents; pay Los Angeles attorney, \$100.

Commissioner WEINSTOCK. Well, now, that shows how the money went out?

Mr. LEE. Yes.

Commissioner WEINSTOCK. What is there there to show how the money came in?

Mr. LEE. I don't know how. That is the whole thing here. You see all the Chinese they do this thing. Suppose I go out and go back Chinatown and get Chinamen buy a whole lot of opium, "Well, let's go together." "All right." He give me hundred dollar. I put hundred dollar, and then we go make the deal. And we just mark it down. We pay out so much.

Commissioner O'CONNELL. And what is left they divide up?

Mr. LEE. Yes.

Commissioner COMMONS. Well, but when you sell the opium over here, don't you put down who pays for the opium over here?

Mr. LEE. No.

Commissioner COMMONS. And how much you get for it?

Mr. LEE. No. You see we are afraid we make trouble for the party who bought our stuff.

Commissioner WEINSTOCK. You mean you don't put the names in the books?

Mr. LEE. No.

Commissioner COMMONS. You put the amount down that you get for selling?

Mr. LEE. Yes; sure.

Commissioner COMMONS. Well, that is what you get. What is the amount that you got for selling the girl?

Mr. LEE. Perhaps for landing the girl—there is no item shown sold the girl yet.

Commissioner WEINSTOCK. Then all that you have been reading to us is simply the moneys that they have paid out?

Mr. LEE. That is the whole thing paid out.

Commissioner WEINSTOCK. There is nothing to show there how much money came in?

Mr. LEE. No.

Commissioner WEINSTOCK. Or where it came from?

Mr. LEE. No.

Commissioner COMMONS. Only by inference on that show-up of profits—two profits of a hundred dollars each.

Commissioner GARRETSON. That shows the account is closed.

Commissioner COMMONS. That shows they have an account there and you add that to the expense.

Commissioner O'CONNELL. There was a division and temporary closing at least.

Mr. BUSIEK. Mr. Lee, did you give Assistant Commissioner Edsell any information which would lead him to find a Chinese who had seen an actual cash transaction?

Mr. LEE. Yes; I did.

Mr. BUSIEK. Between a smuggler and Dr. Gardner?

Mr. LEE. Yes.

Mr. BUSIEK. Who was this man that you took over there, or did you take Edsell over to see him?

Mr. LEE. I didn't took Edsell over to see him. I brought him to Edsell. I told Edsell about it. Edsell asked me to ask him whether he would not come down and make a statement to him, and I went back there and asked him, and he said, "Yes, sure; I be glad to."

Mr. BUSIEK. And what did he tell Edsell about having seen?

Mr. LEE. He told Edsell that he saw Fung Hing.

Mr. BUSIEK. Who?

Mr. LEE. Fung Hing.

Mr. BUSIEK. F-u-n-g H-i-n-g?

Mr. LEE. Handed about \$200, he says not exactly—maybe a little more, maybe a little less—in gold to Dr. Gardner at Oakland.

Mr. BUSIEK. And he testified to that effect to Edsell?

Mr. LEE. Yes.

Mr. BUSIEK. When Edsell was making the investigation?

Mr. LEE. Yes.

Mr. BUSIEK. Did you furnish Edsell with any information as to Dr. Gardner's frequent trips over to Oakland?

Mr. LEE. Yes; I did.

Mr. BUSIEK. And when did these trips take place, Mr. Lee?

Mr. LEE. Now, I could not tell you exactly the year—there is three of us, Mr. Sid Gain and Mr. Yun Kee and myself—we were over to Oakland; it was the Methodist convention, Methodist Church convention, and we came back on the boat leave Oakland I thing about 5 minutes to 10—yes; 5 minutes to 10 that night, and three of us standing there in the waiting room at the Mole; you know where I mean.

Mr. BUSIEK. Yes.

Mr. LEE. And I think either Mr. Yun Kee or Mr. Sid Gain said, "Here comes Dr. Gardner." "Oh," I says, "he often comes over to this part of town to visit Woo Wuy." Then I think it was Mr. Sid Gain said, "Let us follow him." "Oh," I say, "what is the use, he knows you and he knows me, he knows Yun Kee. If you follow him he never will go into the place where he goes."

Mr. BUSIEK. Who is Woo Wuy?

Mr. LEE. He is one of the slave importers.

Mr. BUSIEK. And is it a fact that Edsell was furnished with information that on the night of the arrival of all ships from China, that Gardner would go over to Oakland and talk to Woo Wuy?

Mr. LEE. That is what I heard, but I never got direct information, see?

Mr. BUSIEK. And Woo Wuy is known as a slave trader and has been convicted as such in fact, has he not?

Mr. LEE. Yes; I think up North. Not in this city; I think up North.

Mr. BUSIEK. Do you know anything about Gardner's troubles with the Chinese people in church work?

Mr. LEE. No; that is before I came out here. Before. I used to live in Sacramento.

Mr. BUSIEK. I see.

Mr. LEE. I know this gentleman sitting there [indicating Commissioner Weinstock]. We often go in his store.

Mr. BUSIEK. Did Mr. Edsell ever tell you anything about the evidence which he had on Dr. Gardner, whether or not he had a good strong case against him or anything like that?

Mr. LEE. Yes; the night we came back from Oakland he took me and Lee Wing, the man who saw this money transaction, and he went over there and described the place—I mean Lee described the place to Mr. Edsell, and when he came back from Oakland he was sitting on the lower deck. He says, "I wish I could get a book that shows that you have been paying money to Dr. Gardner, but I will get him." He says, "Chin On, he is a hard nut to crack, but Dr. Gardner is still harder." But, he says, "I got on Chin On about 2 inches space of an affidavit, but Dr. Gardner, it is very hard, he is very slick."

Mr. BUSIEK. Well, did he finally tell you that he had enough to hang Gardner on?

Mr. LEE. Well, he told me he had some good stuff, but he never told about the book or anything.

Mr. BUSIEK. Well, you didn't know that he had gotten that book?

Mr. LEE. I didn't know.

Mr. BUSIEK. I see. I believe that is all the questions I want to ask.

Commissioner GARRETSON. Have you anything further, Mr. Weinstock?

Commissioner WEINSTOCK. Yes.

Are you familiar, Mr. Lee, with the proposed amendments to the exclusion law that have been suggested to this commission, and which this commission has submitted to the Chinese Chamber of Commerce and the Six Companies, for their criticisms?

Mr. LEE. I was there that evening and heard you—the speech; also Mr. Li, the secretary.

Commissioner WEINSTOCK. Well, you know there have been certain changes made since that evening, that is as the suggestions were presented that evening it provided for compulsory registration of all Chinese. That has since been modified so that now it provides for compulsory registration of Chinese laborers and voluntary registration for those who are native born or who are exempted under the treaties and under the laws of the country. Now, what criticism have you to make on these proposed amendments and what suggestions can you offer to the commission that you think will be helpful?

Mr. LEE. I haven't done anything about that yet since that meeting. I was awful busy during this war, corresponding, and Mr. Chew is away for three months; he just came back yesterday.

Commissioner WEINSTOCK. Yes.

Mr. LEE. But still I have had my hands full.

Commissioner WEINSTOCK. Did he ever discuss the matter with you?

Mr. LEE. No; he did not.

Commissioner WEINSTOCK. You don't know what his opinions are?

Mr. LEE. No; I don't.

Commissioner WEINSTOCK. Have you discussed it with other Chinese?

Mr. LEE. Well, only the night when you went to the chamber of commerce.

Commissioner WEINSTOCK. Yes.

Mr. LEE. You made the speech and I favored it myself very much in my opinion, in my own opinion.

Commissioner WEINSTOCK. Then you think it would lessen smuggling if that law prevailed?

Mr. LEE. You see it is this way; if the inspector and the interpreter they are doing their real duty——

Commissioner WEINSTOCK. Yes.

Mr. LEE (continuing). There could not be smuggled a flea in this country.

Commissioner WEINSTOCK. Could not?

Mr. LEE. Could not, really.

Commissioner WEINSTOCK. The weak spots are the inspectors and the interpreters?

Mr. LEE. Yes, sir.

Commissioner WEINSTOCK. Well, you see, under the proposed law the idea is to have the Secretary of Labor appoint crews. A crew would consist of three parties, the inspector, the interpreter, and the stenographer. They would have a half dozen crews, more or less, and they would be sent to different cities at different times. Nobody would know when they are coming, and the crews themselves would not know where they were going until they were ordered by the Secretary. And they would check up. They would not have to go to every

Chinaman in the community; they would get information that would lead them to the proper locations.

Mr. LEE. There is one thing, now, this immigration office, they know this commission is taking up this matter.

Commissioner WEINSTOCK. Yes.

Mr. LEE. And a party told me yesterday he saw Dr. Gardner jump on the Sacramento street car from the ferry 10 o'clock at night, night before last, and going toward Chinatown. And I told him, I say, "I was in Chinatown about 10 o'clock, right on the spot of Sacramento and Grand Avenue. I didn't see him coming up." "Well," he says, "I could swear that I saw him on the car."

Commissioner WEINSTOCK. Well, what would that have to do with it; supposing he did go up to Chinatown, what of it?

Mr. LEE. Well, there is a man named Woo Wuy on Carney Street on Clay, and he thinks that Gardner goes there again.

Commissioner WEINSTOCK. Well, what would that have to do with this matter, supposing he did go there?

Mr. LEE. Well, you see, this smuggling and importing, they suppose Gardner knows every point. They will tell the Chinamen to favor, and they will tell the Chinamen, "No favor."

Commissioner WEINSTOCK. Oh, you mean that Gardner could influence the opinions of the Chinese. You see, this commission, while it is ready to invite the criticism of the Chinese, it does not follow that because the Chinese would oppose it, that this commission would not recommend it, because this commission might not agree with the Chinese in their opinions. The Chinese may say it is very bad, but unless they could prove to the commission that it was bad the commission would pay no attention to their criticism, you see. We will only accept the criticism of the Chinese if in our judgment it is an honest criticism. If we think it is a manufactured criticism or a dishonest criticism or a selfish criticism we pay no attention to it. Have I made that clear?

Mr. LEE. Yes, sir.

Commissioner WEINSTOCK. Now, I believe that whatever criticism you would give here would be an honest criticism. We might not accept it, but I think it would be honest, you see, and therefore it would carry more weight with us than if we thought it was a dishonest criticism. We would pay no attention to it at all then. Now, have you any suggestions to make? Can you point out any better way?

Mr. LEE. I haven't looked into this matter very thoroughly yet, you see, but if the time permits me to study it over I could give you a better answer.

Commissioner WEINSTOCK. Well, have you got a copy of the proposed law?

Mr. LEE. No; I haven't.

Commissioner WEINSTOCK. This is a copy of the proposed law, and we would be glad to have you look it over, and if you see any weak spots in it, anything that strikes you as not being good, or if you can improve on it, we would appreciate it if you would write the commission what your views are in the matter [handing paper to the witness].

Mr. LEE. All right.

Mr. BUSIEK. That is all. Who is out there in the hall?

Mr. LEE. Chin Jack and Ed Park.

Mr. BUSIEK. Send in Ed Park.

TESTIMONY OF MR. EDWARD LEON PARK.

Mr. BUSIEK. Just take the chair, Mr. Park.

Commissioner GARRETSON. You solemnly swear that the evidence which you shall give before this commission will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. PARK. Yes.

Mr. BUSIEK. Just be seated, Mr. Park.

Mr. PARK. Yes, sir.

Mr. BUSIEK. State your name in full, please.

Mr. PARK. Edward Leon Park.

Mr. BUSIEK. Where do you live, Mr. Park?

Mr. PARK. I live in Berkeley.

Mr. BUSIEK. And how long have you lived in Berkeley?

Mr. PARK. Twelve years.

Mr. BUSIEK. Where are you employed?

Mr. PARK. At the present time?

Mr. BUSIEK. Yes.

Mr. PARK. U. S. Immigration Service.

Mr. BUSIEK. How long have you been with the U. S. Immigration Service?

Mr. PARK. I think about nine years.

Mr. BUSIEK. And in what capacity?

Mr. PARK. As an interpreter.

Mr. BUSIEK. Who examined you for your qualifications as interpreter?

Mr. PARK. Dr. Gardner.

Mr. BUSIEK. Dr. Gardner examines all the applicants?

Mr. PARK. I don't know.

Mr. BUSIEK. Don't you know that Dr. Gardner made a rating of the interpreters over there, giving all them examinations, and you have a record of that; your record is there?

Mr. PARK. I know he examined me.

Mr. BUSIEK. Don't you know he examined all the others?

Mr. PARK. I couldn't say all the others. I was not present when he was examining them.

Mr. BUSIEK. Haven't you seen his report; haven't all the interpreters out there got a report which Dr. Gardner made which shows how well they speak English, what dialects they speak in Chinese, and so on?

Mr. PARK. I see records that show what dialect different interpreters speak. I never see any other report.

Mr. BUSIEK. That was made by Dr. Gardner, wasn't it?

Mr. PARK. Yes.

Mr. BUSIEK. It is on Dr. Gardner's report and recommendation that a man is hired; that an interpreter is hired?

Mr. PARK. I suppose so.

Mr. BUSIEK. Dr. Gardner is the judge of the ability of any Chinese interpreter?

Mr. PARK. So far as I know.

Mr. BUSIEK. Mr. Park, have you any other business besides acting as interpreter?

Mr. PARK. No, sir.

Mr. BUSIEK. Any other source of income?

Mr. PARK. At the present time I have.

Mr. PARK. What?

Mr. PARK. I have an automobile for rent.

Mr. BUSIEK. Where did you get the money for the automobile?

Mr. PARK. My sister financed me.

Mr. BUSIEK. And where is this? Is there any record of that transaction, Mr. Park?

Mr. PARK. No; there is no record.

Mr. BUSIEK. What kind of a machine was that?

Mr. PARK. A Studebaker.

Mr. BUSIEK. Limousine?

Mr. PARK. No.

Mr. BUSIEK. Where do you have that machine for hire?

Mr. PARK. In Chinatown.

Mr. BUSIEK. Does that bring you a good revenue; does that bring in any large amount of money?

Mr. PARK. No; average about \$80 to \$100 a month; that is, expenses not taken out.

Mr. BUSIEK. Expenses not taken out. You have another machine, have you not, a Winton Six?

Mr. PARK. I have; yes, sir.

Mr. BUSIEK. And you are buying a Buick, are you not?

Mr. PARK. I am not. I am trying to trade my machine for a Buick.

Mr. BUSIEK. Which one?

Mr. PARK. Winton.

Mr. BUSIEK. Where did you get the money to buy this one—Winton?

Mr. PARK. I had money saved up in my business before entering the service.

Mr. BUSIEK. What business were you in?

Mr. PARK. I was in the grocery, fruit, and vegetable business.

Mr. BUSIEK. How long were you in that business?

Mr. PARK. Two years with a store, and about three years I had wagons out.

Mr. BUSIEK. How many wagons?

Mr. PARK. I had five wagons.

Mr. BUSIEK. How many did you have when you went into the Immigration Service, how much money?

Mr. PARK. I had about between \$7,000 and \$8,000.

Mr. BUSIEK. Where did you have it?

Mr. PARK. I had it at home.

Mr. BUSIEK. In gold lying around the house?

Mr. PARK. No; in paper.

Mr. BUSIEK. In paper?

Mr. PARK. Paper money.

Mr. BUSIEK. Did you ever deposit in any bank?

Mr. PARK. No.

Mr. BUSIEK. Any of it in notes?

Mr. PARK. No.

Mr. BUSIEK. Just had it in currency and gold?

Mr. PARK. Currency and gold; yes, sir.

Mr. BUSIEK. Hid away in the house?

Mr. PARK. Yes.

Mr. BUSIEK. Between \$7,000 and \$8,000?

Mr. PARK. Yes.

Mr. BUSIEK. And you accumulated—

Mr. PARK. Not at the time I went in the Immigration Service. That is the time I sold my store.

Mr. BUSIEK. How much did you get for the store?

Mr. PARK. I got \$2,500.

Mr. BUSIEK. From whom?

Mr. PARK. From Smith & Jones.

Mr. BUSIEK. Smith & Jones?

Mr. PARK. Yes.

Mr. BUSIEK. Where are they now?

Mr. PARK. They are in Berkeley.

Mr. BUSIEK. And they gave you \$2,500 cash, did they?

Mr. PARK. Let's see. I sold some of the stock out before; I sold some. They didn't want all of the stock. I had several carloads of potatoes and all that, that I sold to other people for seeds and that all amounted to \$2,500.

Mr. BUSIEK. When did you first start into business—what year?

Mr. PARK. 1906.

Mr. BUSIEK. You started into business?

Mr. PARK. Yes; in the store.

Mr. BUSIEK. And how much were you worth before you went into the store?

Mr. PARK. About \$5,000.

Mr. BUSIEK. Where did you get that?

Mr. PARK. That I always had with me when I was in the newspaper business.

Mr. BUSIEK. How long were you in the newspaper business?

Mr. PARK. About four years.

Mr. BUSIEK. What newspaper?

Mr. PARK. Sai Gai Yat Po.

Mr. BUSIEK. You were there about four years?

Mr. PARK. Yes, sir.

Mr. BUSIEK. What had you done prior to going into the newspaper office?

Mr. PARK. Prior to going into newspaper office—that's long before the fire.

Mr. BUSIEK. Don't you know what work you were in before you went into the newspaper office, Mr. Park?

Mr. PARK. I was working in the cannery for a while, I think.

Mr. BUSIEK. In the cannery?

Mr. PARK. In the cannery.

Mr. BUSIEK. As a laborer?

Mr. PARK. Yes.

Mr. BUSIEK. What work were you engaged in prior to that?

Mr. PARK. Prior to that I was in the Navy.

Mr. BUSIEK. In the Navy?

Mr. PARK. In the Navy; yes, sir.

Mr. BUSIEK. And prior to that?

Mr. PARK. Prior to that I was working for Consul Beach.

Mr. BUSIEK. Was that your first employment?

Mr. PARK. Yes, sir.

Mr. BUSIEK. Now, did you save anything when you were in the consul general's office?

Mr. PARK. I had about \$800.

Mr. BUSIEK. How much was he paying you?

Mr. PARK. Twenty-five dollars a month.

Mr. BUSIEK. How long did you work for him?

Mr. PARK. About three years.

Mr. BUSIEK. That would make about \$900 that you received in that time and you only spent \$100 of it?

Mr. PARK. I had nothing to spend for. I eat there and they clothed me and everything.

Mr. BUSIEK. Then you went to the Navy?

Mr. PARK. Yes, sir.

Mr. BUSIEK. And how long were you in the Navy?

Mr. PARK. I think I was in the Navy about—not all in the Navy—under the Geographic Survey for about three or four years.

Mr. BUSIEK. How many years?

Mr. PARK. Altogether, I think, about six years.

Mr. BUSIEK. And what were your wages with that arm of the Government?

Mr. PARK. The first three years about \$25 a month, and the last two years about \$45 a month.

Mr. BUSIEK. And how much did you have when you finished your connection with the Geological Survey?

Mr. PARK. About fifteen hundred dollars.

Mr. BUSIEK. About fifteen hundred dollars, and you say you saved about \$700 then in the Survey. You had \$800 to start with and you saved about \$700 more?

Mr. PARK. Yes, sir.

Mr. BUSIEK. Then you went to work with this Chinese inspector?

Mr. PARK. No, sir; I went in the Navy; that is, two years, then. I was in about five or six years altogether.

Mr. BUSIEK. Now, I asked you how much you made there?

Mr. PARK. Made in the Survey?

Mr. BUSIEK. How much did you make in the Navy then?

Mr. PARK. Made about twelve or thirteen hundred dollars altogether.

Mr. BUSIEK. In the Navy?

Mr. PARK. In the Navy?

Commissioner GARRETSON. Was that the Geological or Geodetic?

Mr. PARK. Geodetic.

Mr. BUSIEK. What was you doing in the Navy? What was your rank?

Mr. PARK. I was captain's cook.

Mr. BUSIEK. What were your wages?

Mr. PARK. I think almost \$40, I think, with the rations and all.

Mr. BUSIEK. About what?

Mr. PARK. About \$40.

Mr. BUSIEK. Then you say you saved in two years' time about \$1,500?

Mr. PARK. No, sir; altogether, with the Geological Survey and the Fish Commission—I was with the Fish Commission for two years. That is considered to be the Navy at that time. That was during the Spanish-American War.

Mr. BUSIEK. That is all included in the six years you have been talking about?

Mr. PARK. Yes, sir; about \$1,200.

Mr. BUSIEK. Let us get it this way: How much did you say you saved in the whole six years?

Mr. PARK. About \$1,200.

Mr. BUSIEK. And then you went to the newspaper?

Mr. PARK. Yes, sir.

Mr. BUSIEK. And how long were you with the paper?

Mr. PARK. About three years.

Mr. BUSIEK. And how much were you receiving then?

Mr. PARK. Thirty dollars a month for about a year and a half, I think.

Mr. BUSIEK. Did you have any other business at the same time?

Mr. PARK. Yes, sir; I had a pigeon farm and I had a chicken farm.

Mr. BUSIEK. Where?

Mr. PARK. Over at Berkeley.

Mr. BUSIEK. How many chickens did you have on your place?

Mr. PARK. About 500.

Mr. BUSIEK. How many pigeons?

Mr. PARK. About 1,000.

Mr. BUSIEK. What was your income from those?

Mr. PARK. I could not say—about \$300 or \$400 a year.

Mr. BUSIEK. Did—has that continued up to the present time?

Mr. PARK. That continued all the time while I was living in Berkeley; that is, for the first six years I lived in Berkeley.

Mr. BUSIEK. And that continued to run at just about that rate, did it?

Mr. PARK. Yes, sir.

Mr. BUSIEK. Now, you could not live on the \$30 a month, could you, that you got from the newspaper?

Mr. PARK. Yes, sir; I could.

Mr. BUSIEK. You could not save anything on it?

Mr. PARK. Oh, no; I could not; no, sir.

Mr. BUSIEK. So that you didn't save any money while you were with the paper?

Mr. PARK. Well, that money was put toward the feed of my animals while I was working with the newspaper.

Mr. BUSIEK. Put to the feed of what?

Mr. PARK. Feed of the live stock.

Mr. BUSIEK. So that your income was practically what you got from the sale of your live stock, and you said you made \$400 or \$500 a year off of that; is that right?

Mr. PARK. Yes, sir.

Mr. BUSIEK. So that up to the time that you went to the Immigration Service you had saved about \$1,900, or up to the time that you went into the store you had saved about \$900; am I right in that?

Mr. PARK. No, sir; I have about three years in the peddling business before I went into the store.

Mr. BUSIEK. How much did you make in the peddling business?

Mr. PARK. In the peddling business, about \$150 a month.

Mr. BUSIEK. A hundred and fifty dollars a month in the peddling business. How old are you?

Chairman WALSH. What did he peddle?

Mr. PARK. Fruits and vegetables.

Chairman WALSH. How many wagons did you have?

Mr. PARK. I had five wagons running all the time.

Commissioner GARRETSON. How long was he in the store after the three years in the peddling business?

Mr. PARK. About two years.

Commissioner GARRETSON. Did he go from the peddling business directly to the Inspectorship or Interpretership?

Mr. PARK. No, sir; the store was still running for about a year, I think, when I went into interpreting work.

Commissioner GARRETSON. There was a year's interim between when you were in the store and when you went in as interpreter?

Mr. PARK. Yes, sir.

Commissioner GARRETSON. How long have you been interpreter?

Mr. PARK. About nine years.

Commissioner WEINSTOCK. How old are you?

Mr. PARK. Thirty-two. I started to work when I was 9 years old.

Commissioner GARRETSON. You have accounted for 27 years.

Commissioner WEINSTOCK. Then you must have started when you were 5.

Mr. BUSIEK. What was the first position you ever held?

Mr. PARK. The first position, I was working for Consul Beach.

Mr. BUSIEK. You held that how long?

Commissioner COMMONS. What year?

Mr. BUSIEK. What year was that, do you remember?

Mr. PARK. I can't remember now. I was about 9 years old then.

Mr. BUSIEK. You worked for him how long—three years you said?

Mr. PARK. Two or three years.

Mr. BUSIEK. Which is it, two or three?

Mr. PARK. It is likely two, I think.

Mr. BUSIEK. Then you went where?

Mr. PARK. Then I worked in the canneries.

Mr. BUSIEK. For how many years?

Mr. PARK. About three years.

Mr. BUSIEK. Three years in the canneries. Then you went to the Geodetic Survey?

Mr. PARK. Yes, sir.

Mr. BUSIEK. For how many years?

Mr. PARK. About three years.

Mr. BUSIEK. Then you went to the Fish Commission?

Mr. PARK. About two years—two years or two years and a half, it is somewhere along six years altogether.

Mr. BUSIEK. Then you went into the Navy?

Mr. PARK. No, sir; that is included in the Navy.

Mr. BUSIEK. So that instead of three years in the Geodetic Survey and two years in the Fisheries, you say you stayed about six years in the two of them?

Mr. PARK. Yes, sir.

Mr. BUSIEK. From there you did what?

Mr. PARK. Newspaper work.

Mr. BUSIEK. How many years?

Mr. PARK. About three years.

Mr. BUSIEK. Then you did what?

Mr. PARK. Then I was in Berkeley.

Mr. BUSIEK. Well, what business were you in? You had these wagons about three years?

Mr. PARK. I had these wagons out. I raised chickens and pigeons.

Mr. BUSIEK. How long?

Mr. PARK. I raised them right along from that time up to the time I was running the store.

Mr. BUSIEK. You worked with the wagon about three years?

Mr. PARK. Yes, sir.

Mr. BUSIEK. And ran the store for two years?

Mr. PARK. Yes, sir.

Mr. BUSIEK. Then laid off for a year?

Mr. PARK. No, sir; I think I went to the World's Fair for a year.

Mr. BUSIEK. And you have been working about 9 years for the Government. That makes 29 years. Mr. Park, how much did your Winton Six cost you?

Mr. PARK. I think it is \$1,650.

Mr. BUSIEK. New or second hand?

Mr. PARK. Second hand.

Mr. BUSIEK. Whom did you buy it from?

Mr. PARK. From Mrs. Wright.

Mr. BUSIEK. Who is Mrs. Wright?

Mr. PARK. I don't know; some lady in Berkeley.

Mr. BUSIEK. Did you pay her cash?

Mr. PARK. Not all cash.

Mr. BUSIEK. Where does Mrs. Wright live in Berkeley?

Mr. PARK. I don't know the number now.

Mr. BUSIEK. On what street?

Mr. PARK. I don't know—Cedar Street, I think. I could not remember the number.

Mr. BUSIEK. You bought it from her at her home?

Mr. PARK. Yes, sir.

Mr. BUSIEK. Between what streets is it on Cedar Street?

Mr. PARK. It is between Euclid—above Euclid.

Mr. BUSIEK. What did you pay for your Studebaker?

Mr. PARK. \$1,100.

Chairman WALSH. Did you know Mrs. Wright before you bought this machine?

Mr. PARK. No, sir.

Mr. BUSIEK. What property do you own over in Berkeley?

Mr. PARK. A house and a lot.

Mr. BUSIEK. How many houses?

Mr. PARK. One.

Mr. BUSIEK. Haven't you got two houses over there?

Mr. PARK. I have not.

Mr. BUSIEK. Did you ever have a house and sell it?

Mr. PARK. I did. That is the first house where I raised my chickens and pigeons.

Mr. BUSIEK. You say you haven't got two houses over there?

- Mr. PARK. I have not.
- Mr. BUSIEK. Who owns the second house you are supposed to own?
- Mr. PARK. I have no second house now.
- Mr. BUSIEK. Did you ever at one time have two houses?
- Mr. PARK. I said I had one house and I sold it.
- Mr. BUSIEK. At one time you had two houses, but you have sold one of them?
- Mr. PARK. Yes, sir.
- Mr. BUSIEK. When did you sell that?
- Mr. PARK. I think about a year before last.
- Mr. BUSIEK. And how much did you get for the house?
- Mr. PARK. Oh, I could not say how much; I traded.
- Mr. BUSIEK. Traded it for what?
- Mr. PARK. Traded it for a ranch.
- Mr. BUSIEK. Where?
- Mr. PARK. Up in Yolo County.
- Mr. BUSIEK. What do you hold the ranch worth?
- Mr. PARK. I don't really know what it is worth.
- Mr. BUSIEK. Well, what did you put in the valuation at when you made the trade?
- Mr. PARK. Put in the valuation at about \$2,500.
- Mr. BUSIEK. For your house?
- Mr. PARK. For my house.
- Mr. BUSIEK. What is the house worth you are living in?
- Mr. PARK. Three thousand dollars.
- Mr. BUSIEK. That is what you hold it at?
- Mr. PARK. Yes, sir; that is the price I paid for it.
- Mr. BUSIEK. What is the number of it?
- Mr. PARK. 1743 Cedar Street.
- Mr. BUSIEK. How long have you had this machine, this Winton Six?
- Mr. PARK. A little over a year.
- Mr. BUSIEK. And where do you keep it?
- Mr. PARK. I keep it across the street from me.
- Mr. BUSIEK. In a garage?
- Mr. PARK. Well, it is a shed.
- Mr. BUSIEK. Where do you keep the Studebaker?
- Mr. PARK. It is in Berkeley now.
- Mr. BUSIEK. How did you come to buy this machine from Mrs. Wright?
- Mr. PARK. I think through an advertisement.
- Mr. BUSIEK. Do you know the number on your motor?
- Mr. PARK. I do not.
- Commissioner GARRETSON. Who drives the Winton?
- Mr. PARK. I do.
- Commissioner GARRETSON. Yourself?
- Mr. PARK. Yes, sir.
- Commissioner GARRETSON. You keep no chauffeur?
- Mr. PARK. No, sir.
- Commissioner GARRETSON. Do you keep a chauffeur for the other machine, the Studebaker?
- Mr. PARK. The other machine, my nephew was driving it.
- Commissioner WEINSTOCK. Are you a native of California?
- Mr. PARK. Yes, sir.
- Commissioner WEINSTOCK. Where were you educated?
- Mr. PARK. San Francisco.
- Commissioner WEINSTOCK. Public schools?
- Mr. PARK. Yes, sir.
- Commissioner GARRETSON. The Winton has never been in livery service for hire; I mean since you owned it?
- Mr. PARK. Well, do you count that for hire if I take out some people that pay me so much for taking them out on a trip. Do you call that for hire?
- Commissioner GARRETSON. If you drive it yourself and are employed, how much time have you to act as chauffeur?
- Mr. PARK. Oh, just evenings is all; take people out for a little ride.
- Commissioner WEINSTOCK. What do you consider yourself as worth to-day? If you wanted to sell out everything you had and put it into money, how much would you realize?
- Mr. PARK. I think about \$8,000.
- Commissioner WEINSTOCK. Have you a family—are you married?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. How large a family have you?

Mr. PARK. Wife and two children.

Commissioner WEINSTOCK. What does your living cost you a month?

Mr. PARK. About \$30 or \$35.

Commissioner WEINSTOCK. Altogether?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. Just show us how you arrive at that \$35. What do you pay for rent?

Mr. PARK. No rent.

Commissioner WEINSTOCK. Why?

Mr. PARK. I live in my own house.

Commissioner WEINSTOCK. What does it cost you for food?

Mr. PARK. For food, about between \$15 and \$20.

Commissioner WEINSTOCK. For the family?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. You have two children, you say?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. A family of four, and it costs from \$15 to \$20 for food a month?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. And clothing?

Mr. PARK. Clothing, about an average—children's clothing, I think, comes to about, I should judge, about \$10.

Commissioner WEINSTOCK. A month. And your wife's clothing—does your family dress in European fashion—American fashion?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. What does it cost to dress your wife a month?

Mr. PARK. I don't know, she makes all her own clothes.

Commissioner WEINSTOCK. She has to buy the material, and shoes and hats and all that sort of thing?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. About how much is the cost of that, if you can estimate it?

Mr. PARK. She don't buy clothes very often. I could not estimate that. She very seldom goes out.

Commissioner WEINSTOCK. It does not cost a thousand dollars?

Mr. PARK. No, sir.

Commissioner WEINSTOCK. It costs more than a dollar a month?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. Give us some idea about how much it costs.

Mr. PARK. About \$5, I should say.

Commissioner WEINSTOCK. About \$5 a month. What does it cost you for your clothes on an average a month?

Mr. PARK. I think about \$30 a year.

Commissioner WEINSTOCK. For clothes?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. How many suits of clothes do you have a year?

Mr. PARK. I don't get but one suit of clothes a year.

Commissioner WEINSTOCK. You have one suit you have all the time?

Mr. PARK. No, sir; I have two suits, but my uniform I leave at the office, and I wear one suit, is all.

Commissioner WEINSTOCK. The whole year?

Mr. PARK. Maybe two suits, I could not say for sure.

Commissioner WEINSTOCK. What does that cost you?

Mr. PARK. Costs me \$12 for my uniform.

Commissioner WEINSTOCK. And your business suit?

Mr. PARK. Business suit costs me \$30.

Commissioner WEINSTOCK. Now, you have shoes and hats and shirts and neckties and collars. What does that cost you on an average?

Mr. PARK. You mean per month?

Commissioner WEINSTOCK. Yes, sir; on an average, or for a year, if you prefer it.

Mr. PARK. I could not say to that, maybe \$10 or \$20.

Commissioner WEINSTOCK. A year?

Mr. PARK. A year. I don't buy but two pairs of shoes a year.

Commissioner GARRETSON. That would be \$5 a month for the three items, uniform, other clothing, and furnishings.

Commissioner WEINSTOCK. Now, you operate over on Angel Island, don't you?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. You have car fare coming and going every day?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. That is 10 cents a day. That is \$2.50 a month for car fare?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. You don't go home at noon for lunch?

Mr. PARK. No, sir.

Commissioner WEINSTOCK. Where do you get your lunch?

Mr. PARK. I don't eat any lunch.

Commissioner WEINSTOCK. Now, you have amusements in the course of the year?

Mr. PARK. I don't go to any theater.

Commissioner WEINSTOCK. Your family never goes to a place of amusement?

Mr. PARK. They might go to a nickelodeon or so once a week.

Commissioner WEINSTOCK. You have a machine?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. What does it cost to keep that up, tires, and fuel and upkeep?

Mr. PARK. I could not say that, how much it is going to be. All I have is gasoline and oil and tires.

Commissioner WEINSTOCK. How many miles a month do you run with your machine?

Mr. PARK. I only run every Sunday is all, and night time probably one night out of the week.

Commissioner WEINSTOCK. Will you average a thousand miles a month?

Mr. PARK. No, sir.

Commissioner WEINSTOCK. Five hundred miles a month?

Mr. PARK. No, sir.

Commissioner WEINSTOCK. How many miles a month, about?

Mr. PARK. About 300 miles a month at the most.

Commissioner WEINSTOCK. How is your machine taken care of? Where do you keep it?

Mr. PARK. I keep it across the way from me.

Commissioner WEINSTOCK. In a garage?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. What do you have to pay for the garage a month?

Mr. PARK. Two dollars and a half a month.

Commissioner WEINSTOCK. Well, it is estimated the cost for tires and fuel per mile is about 3 cents. That would be \$9 a month for your tires and fuel and \$2.50 a month for the garage; that is \$11.50; and then you have to keep your machine in repair when it breaks down, and things of that sort. I suppose \$15 would be very little.

Commissioner GARRETSON. I would like to learn how to do that.

Commissioner WEINSTOCK. So would I. Let us figure it conservatively. Then, according to your own figures we have \$57.50 a month there. You said it cost you about \$30 or \$40.

Mr. PARK. No, sir; about \$30.

Commissioner GARRETSON. On the question of upkeep of the machine, I have two machines almost exactly the same power as the two you drive. If you can run a six-cylinder machine of the Winton type, running, as you say, 300 miles a month—

Mr. PARK. At the most.

Commissioner GARRETSON. At most?

Mr. PARK. Yes, sir; and sometimes maybe I don't run 100 miles a month.

Commissioner GARRETSON. Some other times you will do 200 miles on Sunday?

Mr. PARK. Never run that much. Fifty miles is about the most. As far as I go is Haywardson.

Commissioner GARRETSON. Do you get along without any upkeep repairs besides gasoline, oil, and tires?

Mr. PARK. I had my carbon cleaned out.

Commissioner GARRETSON. Adjuster and spark plugs?

Mr. PARK. No, sir; never had changed.

Commissioner GARRETSON. You have no cost of that kind?

Mr. PARK. No, sir.

Commissioner GARRETSON. No garage bills?

Mr. PARK. I have the garage rent.

Commissioner GARRETSON. No garage repair bills?

Mr. PARK. No, sir.

Commissioner GARRETSON. And for the Studebaker?

Mr. PARK. Nothing to be paid on it; it is guaranteed for the year.

Commissioner GARRETSON. Oh, I know; I have tried about four of them.

Mr. PARK. So far there is no charges.

Commissioner GARRETSON. How long have you had the Studebaker?

Mr. PARK. About a month.

Commissioner GARRETSON. How long have you had the Winton?

Mr. PARK. A little over a year.

Commissioner GARRETSON. It came to you as a second-hand machine without any guarantee on it?

Mr. PARK. The Winton?

Commissioner GARRETSON. Yes. What do you get per gallon of gasoline; how many miles?

Mr. PARK. Between 8 and 10.

Commissioner GARRETSON. Pretty good Winton if it will go above 8.

Commissioner WEINSTOCK. Do you have any help in your family?

Mr. PARK. No, sir.

Commissioner WEINSTOCK. Your wife does all the work?

Mr. PARK. Yes, sir.

Commissioner WEINSTOCK. How old are the children?

Mr. PARK. Three and five.

Commissioner O'CONNELL. Do you have a bank account in any of the banks?

Mr. PARK. No, sir.

Commissioner O'CONNELL. You don't run any bank account at all?

Mr. PARK. No, sir.

Commissioner O'CONNELL. You have your money at home around the house?

Mr. PARK. Yes, sir.

Commissioner GARRETSON. Your reputation among the men you associate with is strictly in accord with the statement of expenditures on the monthly account; you are not classed as a good spender?

Mr. PARK. No, sir; I never go out at night. There is no chance to spend any money anyway.

Commissioner GARRETSON. You never acquired the habit of spending it in the daytime?

Mr. PARK. No, sir; no chance during the daytime, either.

Commissioner GARRETSON. Do you gamble?

Mr. PARK. I could not say. I might buy a lottery ticket once in a while.

Commissioner GARRETSON. Do you drink?

Mr. PARK. Very little.

Chairman WALSH. What do you drink when you do drink?

Mr. PARK. Beer.

Mr. BUSIEK. That is all.

TESTIMONY OF MR. JOHN L. McNAB.

Mr. BUSIEK. You are ex-United States district attorney for this district, are you?

Mr. McNAB. Yes, sir.

Mr. BUSIEK. And you are now counsel to the Chinese Six Companies?

Mr. McNAB. Yes.

Mr. BUSIEK. Mr. McNab, you have gone over and discussed with your clients and made a study of a certain tentative bill, having in view the reregistration of Chinese and the deportation of those who fail to register. Will you just discuss with the commission your views of that bill?

Mr. McNAB. Is that the bill, Mr. Weinstock, that you were courteous enough to submit to me?

Commissioner WEINSTOCK. I take it, Mr. McNab, that you got the latest corrected amendment, which provided, in contradistinction to the first draft, for the compulsory registration of laborers and the voluntary registration of the members of the privileged classes.

Mr. McNAB. I am not altogether sure whether I saw that, Mr. Weinstock, after it was revised, but I think I did. I think it was shown to me by some one who is working on it at your suggestion, Judge Harrington.

Commissioner WEINSTOCK. Judge Harrington.

Mr. McNAB. Yes, I believe I did. At any rate the essential principle of the bill, as I recall it, was that all Chinese in this country should be required within a given time to register.

Commissioner WEINSTOCK. Yes.

Mr. McNAB. And that in default of registration they should be subjected to deportation; and that after a given date any person not found to be in a certificate of registration was a subject of deportation.

Commissioner WEINSTOCK. Except the privileged classes.

Mr. McNAB. Except the privileged classes.

Commissioner WEINSTOCK. That would only—

Mr. McNAB. I think the amendment gave to the privileged classes the option of registration. That last amendment, to a certain extent, made it less vicious, if I may use the expression, than it was before, because I regard it as an absolutely vicious bill. It is vicious in this particular: There is no question in the world that Americans have an absolute right to insist that the Chinese coolie shall not flood this country and corrupt its labor. And I do not think that the Chinese Government or the Chinese people as a mass now insist that this or any other country shall receive its coolie labor, because it recognizes that they can labor under conditions which will prevent other countries from competing.

As a matter of fact the Chinese-exclusion law as originally passed was passed in defiance of the treaty. However, it is now one of the accepted principles of American legislation, and nobody is quarreling with it except in its enforcement. The ordinary intelligent Chinese will meet you and will say that he has no quarrel particularly because America does not receive his coolie, but he insists that the privileged class be exempt, the merchant, the banker, and the journalist shall be received in this country as any other person who is permitted to come to this country should be received; instead of being received, however, at the immigration stations as a person who is entitled to come to America he is taken by the throat and treated as a criminal.

The banker who comes here and who could assist in our commerce, who could invest his money, and who could develop trade with the Orient, is simply taken by the throat and sent to the immigration station and generally put in the quadrangle or cell and kept there like a criminal under suspicion. Just so long as that sort of administration is continued, just so long will the commerce between the Orient and this country remain as it is to-day—practically stationary. This bill requires them to register. I do not believe, as a matter of principle, any country has a right to require that of one country to the exclusion of another, but we have that—

Commissioner WEINSTOCK. Are you referring now to the amended proposal?

Mr. McNAB. Yes.

Commissioner WEINSTOCK. I want to remind you that the amended tentative proposal exempts that class from registration.

Mr. McNAB. Yes, I understand it; that the amended proposal exempts all the merchants, bankers, journalists, and so on, and requires only the laborers to register. That is, coolies are presumed to have been in this country previous to the time that the Chinese exclusion act went into effect, or they have come here illicitly. That is the contention of the Government.

I think it is impracticable to compel them to register, because it is going to create a practical revolution among their ranks; they resent that constant domination of one Government over another, which compels them to come here, and it doesn't make for peace. This country ought to be able to keep out the coolie, but this provision which compels these people to carry a registration certificate about him is not in my opinion a good provision. I think the United States Government is big enough and powerful enough to take care of that proposition. The Chinese exclusion law, as it is, is a very strict, rigid enactment. If it is enforced they can't come here, and the United States is big enough and powerful enough a Nation to see that they don't come here. If they do come here surreptitiously, as occasionally I suppose they do as they will come into any country where they have an opportunity to make a living, I think it is the duty of the Government by safe provision to keep them out, but I do not think the whole Nation ought to be humiliated by compelling them to stand up and register and to carry a registration certificate around with

them. But the more vicious part of that is this: That if you do register them, the act practically provides, as I understand it, for what is called an arresting crew, or at least some trained person who will go around to see that these people all have their proper registration certificates.

Now, laying aside any question of corruption among officers that exists to-day, take it as a plain question of human nature, an arresting crew is an element of graft in any service. They are dealing with ignorant people that are afraid of our laws; they are terror stricken; they have been exploited by their own people and they have been exploited by our people. And whenever you send out an arresting crew you are going to send out a band of men that sooner or later are going to subject them to all sort of petty trials and annoyances that eventually will do just exactly what a number of the immigration officers are doing throughout the country to-day, yield to the temptation to bribe. There is no use blinking the fact, that while here and there are immigration officials who are of the highest standard and caliber, who could not be corrupted by gold, there are men who will yield to that thing, and they do yield to it every day; otherwise we would not have Chinese being yanked out of their bunks on railroad trains, their doors broken open, their private residences invaded, their personal property stolen in ways that are reported every week all over the State, all over every corner of this State. If you have an arresting crew, you have a hostile crew. They feel that they have got to make good with the Government at Washington; that they are expected to make a record. They think if they don't report a number of arrests within a month that during that month they have been doing nothing, and that the Government at Washington will take the job. They think, on the other hand, that if they are making the arrest they are doing their duty and are making good with the Government at Washington, and the only way in which they can make good with the Government at Washington, they think, is simply to arrest, annoy, and harass. It is vicious in its principle, and it will be vicious in its practice, Mr. Weinstock, and there is not any way from it.

Commissioner WEINSTOCK. Let me ask you, Mr. McNab. We will assume that this law has prevailed and that reregistration takes place.

Mr. McNAB. Yes.

Commissioner WEINSTOCK. What chance is there for a member of this arresting crew to graft on a Chinaman if he has a certificate?

Mr. McNAB. What chance is there to graft?

Commissioner WEINSTOCK. Yes. That man has a certificate.

Mr. McNAB. The same opportunity that is exercised by him to-day. They now have the right to apply for a certificate of identity. I could produce to you in the course of time numerous instances in the southern district of California where they have arrested and rearrested men who have their certificates of identity, have taken those certificates of identity away from them, and have held them for an indefinite period of time. And they can do the same thing with the certificates of identity under this new act. Plenty of instances might be brought up—take Bakersfield—where an overzealous immigration official broke into a house and took away a certificate and said, "I will give you a receipt for this." He did not give a receipt for it, forwarded it to Washington, and all the diplomatic channels had to be appealed to to get it back. Why did he keep it during this time? On the ground, he said, possibly it was a fake registration certificate; that it did—although it did appear to be regular on its face, he was suspicious of it; did not believe that it was. Why couldn't you do the same thing with a new registration certificate?

Commissioner WEINSTOCK. Well, if you put it upon the theory that an official will rob a Chinaman of his certificate, I can understand how the Chinaman may have trouble. There is a provision in here which enables the Chinaman, if he has lost his certificate, to get a duplicate very promptly.

Mr. McNAB. You have got the same provision now, but he can't get it, Mr. Weinstock. It is not that the law is at fault, but you know in the great big ponderous machinery such as we have in the Government there are many things in the great bureaucracy at Washington which cause the wheels to move very slowly, and it will work that way in this matter.

Commissioner WEINSTOCK. It reads that if a person charged had previously secured a certificate of registration which has been lost or destroyed or stolen—

Mr. McNAB. Yes.

Commissioner WEINSTOCK. The proceeding shall be suspended for a reasonable time to enable him to secure a duplicate thereof from the Commissioner General, which shall be issued upon request.

Mr. McNAB. Yes; that is practically the rule of the Immigration Department now.

Commissioner WEINSTOCK. Well, now, the only people who could get possession of the certificate and rob the Chinaman of it would be a member of this crew?

Mr. McNAB. Not necessarily. You mean if he should prove to be without one? Of course it might be taken up by somebody else.

Commissioner WEINSTOCK. Well, but your theory was that the Chinaman could be exploited and that graft could be created by the members of this crew, practically robbing the Chinaman of this certificate, and then levying blackmail on him?

Mr. McNAB. Yes.

Commissioner WEINSTOCK. Well, the only ones that could get that would be an official or an individual who had the authority to demand it.

Mr. McNAB. Possibly that is true. But it is not true, as a matter of fact, because there are a great many people that exploit the Chinese other than immigration officials. Plenty of people go to them with stars and demand all sorts of things from them.

Commissioner WEINSTOCK. Now, do you think that any of the members of the crew could make a practice of doing that sort of thing without getting tripped up very quickly?

Mr. McNAB. Possibly not, yet it is astonishing what a long time it takes to dislodge a man who has been engaged in that business, Mr. Weinstock, and beyond question—by this commission or anybody else—the rank and file of every department are as honest as men can be. The exception will occur, but before you can get at him it is a long, long time during which he has been doing damage.

Chairman WALSH. How many new officials of that sort have you provided?

Commissioner WEINSTOCK. I think the bill says not to exceed 10 crews. Is it 10 or 5?

Mr. BUSIEK. Six crews.

Commissioner WEINSTOCK. Six. How many members?

Mr. BUSIEK. Three members to a crew.

Commissioner WEINSTOCK. Three; you see that would be about 18 as a maximum.

Commissioner GARRETSON. Mr. McNab, isn't it a fact from your own experience—this is an opinion, of course—

Mr. McNAB. Certainly.

Commissioner GARRETSON. Because you have expressed an opinion in regard to that feature of the bill, these arresting crews—Isn't it a fact that exactly that quality and that effect is apparent every day in every police force of every city on this continent?

Mr. McNAB. There is not any question about that.

Commissioner GARRETSON. And that it develops in this way: In a country village put a decent citizen in as village marshal and in a year you have got a corrupt man in nine instances out of ten?

Mr. McNAB. I am sorry to admit it.

Commissioner GARRETSON. I am talking from my own knowledge of men.

Mr. McNAB. I am sorry to admit it. There is something peculiar, because that man necessarily is compelled to supervise the morality of a district. The moral people are not going to attempt to corrupt him, but the immoral, by a thousand devious ways, are going to approach him. He is not going to sink all at once, but he is going to be constantly surrounded by the importunities of friends and by the threats of enemies and by the inevitable desire to make something, and sooner or later he is corrupted; I don't know why it is.

Commissioner GARRETSON. It is the sort that makes the policeman on every beat take a banana off the Italian's pushcart and a handful of nuts from the next old woman selling on the corner.

Commissioner WEINSTOCK. Well, now, coming back to the proposition under discussion, Mr. McNab, these are the facts as the commission sees them. I think that the commission is morally certain that there is smuggling going on.

Mr. McNAB. You mean bringing in of Chinese?

Commissioner WEINSTOCK. Yes; contraband Chinese.

Mr. McNAB. I don't think that is to be disputed.

Commissioner WEINSTOCK. Very well.

Mr. McNAB. It is taking place for the same reason that if you and I were in China and our countrymen wanted to come in we would consider that we were doing a service to our countrymen if we got them in.

Commissioner WEINSTOCK. Exactly. Very well. Now, we have also—we are also morally certain that that traffic is conducted largely by white men with Chinese cooperators, and it is conducted not for the love of getting a Chinaman into the country, where he will fare better than he does in his own country or in the country from which he happens to come, but for profit, pure and simple.

Now, this commission is further satisfied that the way to minimize that smuggling is to cut out the profit, make it unprofitable. And the commission has thus far not been able to find any suggestion that is likely to be more effective along the lines of minimizing this smuggling than by making the business so precarious and so uncertain and so hazardous as to make it unattractive; and it has been pointed out to the commission that by the proposed plan the contraband Chinaman sooner or later will discover this fact, first, that to get into this country he must be prepared to subject himself to whatever physical hardships are involved. He must be prepared to pay the smuggler's price. He must be prepared to live with a sword suspended over his head by a slender thread. He knows to-day that if he can plant his foot on American soil and get in with a crowd he is lost in the shuffle.

Mr. McNAB. Not at all.

Commissioner WEINSTOCK. And that the chances are—we have the testimony here of the authorities on the subject, who admit it—that the moment he gets into this country he is safe, and there is not one chance in a million of his being deported.

Mr. McNAB. What do they say in response to the conditions that obtain in every immigration district, where deportation is going on every week? Do they admit that they can't catch them when they boast that they do?

Commissioner WEINSTOCK. We have had men who are supposed to be the keenest men in the profession, men who have had years of experience, and they admit, sitting right on the same chair that you occupy, that a Chinaman, once landed here, is practically safe.

Mr. McNAB. Strange.

Chairman WALSH. All along the coast, Boston and Seattle, they say that once they get in——

Commissioner GARRETSON. Yes; if he is 3 miles on the land line——

Commissioner WALSH. They may pick them up accidentally, but there is no effort.

Mr. McNAB. Strange thing that those same men used to tell me that they could walk into a Chinese laundry and pick out a strange Chinaman every time by his looks, and nine times out of ten they never made a mistake.

Mr. BUSIEK. But did they pick him out? That is the point.

Commissioner WEINSTOCK. That is not exercised, because the fact remains that the only Chinamen deported, I suppose, are the exceptional cases where they are informed upon or where they happen to catch them in their attempt to get into the country.

Mr. McNAB. All right. Now, you say that is the only remedy, Mr. Wein-stock. What does the United States Government spend in effective measures to prevent their entry, except in immigration ports? Of course, you don't expect a contraband Chinese to come in here on the *Persia* and *Chio Maru* and land at the dock here. You don't expect that. What has the Government done to patrol this coast? When I was United States attorney we had the prosecution of several of these men who sail the sea and considered it a fine thing to bring in a boatload of Chinese, sometimes in a launch 30 feet long, stuffing 30 men underneath and battening down the hatches and nearly killing them before they got them here. They all went to jail, every one of them. They have served their time. I do not know whether they are back at the game or not. But what has the Government done to assist us? Not one thing. They landed at Ensenano Bay and the collector of the port down there got his \$10 or \$15 graft for putting them on board the ship. They come up here and they landed them anywhere along the coast. There wasn't even a revenue cutter to assist us in stopping them. If the United States Government would provide a revenue cutter along the coast from San Diego down, you would not have a boatload of Chinese coming into this country, not one.

Commissioner GARRETSON. How about on the Atlantic coast, where they are provided?

Mr. McNAB. I don't know what provision they have made over there. I am not informed as to conditions over on the Atlantic.

Commissioner GARRETSON. I am informed that there is far more Chinese landed by those methods on the Atlantic coast, especially the north Atlantic coast, than there is on this.

Mr. McNAB. That may be true.

Commissioner WEINSTOCK. Transferred from the West Indies?

Commissioner GARRETSON. Canadian ports, largely.

Mr. McNAB. Most of them, I think, come from Canada.

Commissioner GARRETSON. And there is a revenue service that is used largely—that stands there for other purposes that is utilized to a considerable degree in that direction, but it does not stop them.

Mr. McNAB. Where does your testimony show the most of them come from, Mr. Garretson?

Commissioner GARRETSON. I am not talking to you about the testimony on the subject at all. I am talking about conditions from personal knowledge, because I wasn't present at the hearings on that coast; but I know that the conditions exist.

Mr. McNAB. Well, I am talking only as to those conditions concerning which I have any knowledge, and that is the Pacific coast. We had no assistance whatever. We had some vigilant inspectors, and that was the only assistance that we had.

Commissioner WEINSTOCK. Do you think this smuggling ought to be winked at and ought to be permitted to go on?

Mr. McNAB. Certainly not. There is only one answer to that. If the law is passed in this country and it is the policy of this country to keep out Chinese, of course it ought to be enforced like any other law. And if it is not a proper law, repeal it.

Commissioner WEINSTOCK. If this Nation gave you full power to act, what would you do?

Mr. McNAB. I would have an honest immigration service that would honestly treat every man that came to this country, and discover whether he belonged to the exempt class or not. I would appeal to the Chinese Government for co-operation by treating them as they have a right to expect to be treated, as a great Government with an overflowing population that some day the rest of the world will have to reckon with. I would not permit them to say that the Chinese-exclusion act is enforced as it is in this country to-day, where the rich merchant and the banker and the scholar and the student is taken like a criminal by the throat and locked up over some immigration station until he can prove that he is not a criminal. I would start, in the first place, by honestly enforcing the law, and when I got honest enforcement of the law there, you are going to have it elsewhere, and you are going to get cooperation with the Government in China.

Commissioner WEINSTOCK. Well, now, I think that this commission is in perfect sympathy with you, Mr. McNab, on the point of extending courteous and proper treatment to the privileged classes of Chinese that are permitted to enter this country; and if you can bring specific cases to the notice of this commission where merchants and bankers and students have been mistreated, I think I voice the sentiment of the commission when I say we will be very vigorous in bringing the attention of the authorities to those abuses.

Mr. McNAB. I have always believed that.

Commissioner WEINSTOCK. Yes, on that score—on that point—we are in perfect sympathy with you.

Mr. McNAB. And I have taken the opportunity to try to get into touch with the commission long before it came to this coast. I had long and favorably heard of Mr. Walsh and of certain other members of the commission, because of their disinterested and patriotic services, and I knew that their intention was to devote themselves to a remedy of these evils. And I have tried to get into touch with them, but, owing to the fact that it wasn't fully organized, it was sometimes a difficult thing to do. And I did what was the next best thing—I went over the head of the Immigration Service, right to the big man in the White House, and I got my relief, as I know I always will get relief when I go there with a just cause.

Now, I interrupted you, however, Mr. Weinstock.

Commissioner WEINSTOCK. Well, I was going to say that on that part of the situation we are as one with you and we are ready to cooperate with you.

Mr. McNAB. Yes.

Commissioner WEINSTOCK. We are ready to do all that lies within the power of this commission to right these evils.

Mr. McNAB. Yes.

Commissioner WEINSTOCK. Because I appreciate with you that they are evils, and serious evils.

Mr. McNAB. Yes.

Commissioner WEINSTOCK. They injure the Nation in the estimate of a friendly nation whose good will we want, whose business we want. But, coming back to the other proposition, granting that whatever existing evils may now prevail at our stations, granting that those were corrected, your plan still would not prevent the smuggling.

Mr. McNAB. Well, that is perfectly true, not wholly—not wholly—although a vigilant service can do a great deal to prevent it. But no one can suggest any remedy for that sort of thing except the vigilance which will keep anybody else out of the country. And you ought to have cooperation with the Government of China, with Mexico, and with Canada. You have the cooperation—possibly the evidence may show that some come from the British possessions to the southeast—cooperation with Great Britain. Canada is pretty strict in regard to its immigration questions. It is to-day face to face with the Hindu question, more keenly than the United States Government. It ought to be able to cooperate as far as that boundary line is concerned and as far as the ports are concerned. Mexico some day, with a revolution of new ideas, will be willing to cooperate. Up to this time it has been impossible to get any cooperation with Mexico, because Mexico has just simply been a succession of one grafting clan after another, and it simply depended upon which particular clan happened to be in power as to who should do the grafting. And by cooperation with Mexico, with Canada, with the British Government, and with the cooperation which you have a right to expect and practically demand from China under its treaty obligations, provided she is treated fair, I think that thing can be stopped.

Commissioner GARRETSON. Hasn't it been true in the past, Mr. McNab, speaking of the two Governments on the sides of us, that heretofore there has been—that is, going back into what we might call the settled days in Mexico—there has been no friendly cooperation, possibly, on the part of the Mexican Government, largely owing to the fact that the Chinaman in Mexico is received as a social and industrial equal, and there was no sentiment against him, nor could they understand why we take the attitude that we have.

Mr. McNAB. No; they considered it a friendly act to help foist him into the country.

Commissioner GARRETSON. In other words, they were a partisan of the Chinaman?

Mr. McNAB. Yes.

Commissioner GARRETSON. On the north has not this been true: The Canadian population as a class had no personal interest whatever, except to see that they passed through, until the Hindu problem arose on their hands, which has given the western Provinces of Canada an interest that they have never had before, and that is absolutely lacking yet, is it not, in the eastern Provinces?

Mr. McNAB. Yes; I don't understand—

Commissioner GARRETSON. Immigration isn't on in the eastern Provinces of Canada at all.

Mr. McNAB. No more than the hatred of the Chinese had penetrated the East at the time it was a menace to California.

Commissioner GARRETSON. But I am speaking of the Canadian side of the line.

Mr. McNAB. Yes.

Commissioner GARRETSON. It never spread there. Have you ever seen any indication that it did spread there?

Mr. McNAB. I think not; but it is a very live issue in Canada to-day.

Commissioner GARRETSON. Oh, sympathetically with British Columbia.

Mr. McNAB. And British Columbia; and very soon the grain-growing countries of the center are going to urge the Ottawa Government, and there is going to be the very strictest surveillance over immigration. Now, if Canada is going to become an anti-Hindu, anti-Japanese, and anti-Chinese country, you have got foundation of the finest kind of cooperation. If Mexico is going to be

eventually brought to the place where it can be made to understand that this country will be displeased with that kind of immigration, you are going to get cooperation.

Commissioner GARRETSON. I doubt—I must express the opinion—I doubt that condition ever arising in Mexico.

Mr. McNAB. Well, that is possibly true.

Commissioner GARRETSON. There I am speaking as a man who was a resident.

Mr. McNAB. Yes.

Commissioner GARRETSON. For a reasonable period.

Mr. McNAB. Well, it has nothing in its present condition to lead you to hope very much.

Chairman WALSH. It is a difficult question, isn't it, Mr. McNab?

Mr. McNAB. I beg your pardon?

Chairman WALSH. I say, a difficult question in its essence.

Mr. McNAB. It is not an easy question.

Commissioner WEINSTOCK. Mr. McNab—

Chairman WALSH. What sort of men—excuse me; I would like to get down to it—what sort of men would they be that would form these crews? Have they got to be white men, with interpreters and all that, much the same sort of staff that you have now?

Commissioner WEINSTOCK. Just a moment.

Commissioner O'CONNELL. It would be an inspector and an interpreter; probably a stenographer, or secretary, or something.

Commissioner WEINSTOCK. I think it specifies here.

Commissioner O'CONNELL. That is an incident, however?

Commissioner WEINSTOCK. It would be men—

Mr. McNAB. It is contended by the Immigration Department that they should be specially trained men.

Commissioner WEINSTOCK. Yes.

Mr. McNAB. Yes; for that service; but I assume that their qualifications would be nothing in addition to that of the active and vigilant immigration inspector of to-day.

Commissioner O'CONNELL. Like most any ordinary sensible man.

Chairman WALSH. Say, the point was suggested, Mr. Weinstock, that one of the great difficulties in administering an act of this sort would be this difficulty of the exempt class, one might be picked up inland some place four or five hundred miles away from the United States commissioner and have to come to prove his right as an exempt citizen.

Commissioner GARRETSON. There is no indemnifying clause whatever?

Mr. McNAB. Would you pardon an intrusion just at that point? That condition exists to-day in many parts of this State. Let me give an illustration, if you will permit it. United States attorney has the authority to designate the United States commissioner before whom the testimony shall be taken in deportation cases. A Chinese is arrested in Bakersfield. There is a United States commissioner at hand, I think at Hanford, or possibly Bakersfield. The mere matter of the appointment of a United States commissioner is merely a matter of a judge of the district court signing his name. The United States district attorney immediately designates the United States commissioner at Los Angeles, 200 miles away. This Chinese, perhaps a poor man, has to go, together with his witnesses, to Los Angeles, at an expense that is sometimes absolutely prohibitive, and there, in a strange city and surrounded by strange circumstances and away from his own environment, giving his testimony. The result has been in many cases men, rather than face the expense or unable to face the expense, have been compelled to submit to deportation when practically they had good defenses. The same would be true in regard to the question which the commissioner has just suggested, if some one in Colorado, for example, were to be arrested, and yet he were a member of the exempt class, might be asked for a certificate, although the commissioner might suggest it was a fraudulent certificate. He could be taken to a distant point and could be prosecuted. The prosecution failed, and he is then stranded in a foreign country, practically, and has no indemnity against the proposition, and must return to his own country in his own way.

Commissioner GARRETSON. Let me ask if that don't grow largely out of this fact, that if the trial was held in the man's environment, that on account of his relations with the number of Chinese in that locality, he was able to present, and in many instances he did present, manufactured evidence, and it was to counteract that to a certain degree that this practice grew up?

Mr. McNAB. That may be the excuse given by the Government.

Commissioner GARRETSON. Is it an excuse or a reason?

Mr. McNAB. I don't think it is a reason, and I will tell you why I don't think it is a reason. The United States Government is a big, powerful machine, and it is equipped with expert and trained men who haven't hesitated to go any length in order to present evidence, and they ought to be at least presumed to be capable of solving that question.

Commissioner GARRETSON. And yet it is sworn to here—I won't go further than right here—

Mr. McNAB. Yes, sir.

Commissioner GARRETSON. That with this power of the Government, visible power, that it has been demonstrated time after time that the power of the United States Government could not remove an interpreter that was notoriously corrupt, on account of the invisible influence?

Mr. McNAB. Are the Chinese to blame for the influence?

Commissioner GARRETSON. I haven't any doubt whatever that the influence is nonracial. That if what the Chinese desire falls in with the desire of great interests that are non-Chinese, that they will avail themselves of the services of each other.

Commissioner WEINSTOCK. I want to point out to the commission that the alleged weak spot in the proposed amendment, to the effect that under it a member of a privileged class living 500 miles away from a populated center would be subjected to annoyance and expense and indignity and all that sort of thing—that that alleged weakness is greater under the plan proposed by Mr. McNab than under the plan we have before us, for this reason: Under the proposed plan a Chinaman living 500 miles away from a center can get a certificate which protects him absolutely, unless the inspector robs him of it. Under your plan this man could not get a certificate to-day to prove his identity, and if your plan was carried out and the law was effectively prosecuted, you would have Chinamen all over the country, members of privileged classes, being dragged to these populated centers with their witnesses in order that they might establish their identity. Therefore this plan proposed is a very great protection to just such cases as you have in mind or have been suggested by Mr. Busiek.

Mr. McNAB. What is there in this bill that prevents a repetition of the thing that is constantly going on here, of that certificate being taken up on the ground that it is fraudulent? That immigration officer, or whoever it is, hasn't any power to issue a receipt that will protect him. He issues a so-called receipt and then fails to turn back the certificate.

Commissioner WEINSTOCK. The victim in that case would always have the redress as afforded by this law, to get a duplicate.

Mr. McNAB. In the meantime he probably has been arrested and taken off to some distant port.

Commissioner WEINSTOCK. Granting that this is true, and granting that it is an imposition and hardship and burden upon the victim, but under your plan the chances for doing that would be far greatly increased, because not any of these men might be in a position where they happened to be found and located to prove to the satisfaction of the inspector that they were entitled or that they were members of the privileged class?

Mr. McNAB. I can't see it in that light.

Commissioner WEINSTOCK. Have I made that clear to you?

Commissioner O'CONNELL. Suppose we ask Mr. McNab to take one of these and write his criticism on it. Look it over at his leisure carefully.

Mr. McNAB. I would be glad if I can be of any service to the commission.

Chairman WALSH. I understand Mr. McNab says it is wrong in principle and wrong in practice, and indefensible from any standpoint.

Commissioner O'CONNELL. In addition to that, if the idea don't appeal to you at all, you might give us some suggestion along that line.

Mr. McNAB. That is all, is it?

Chairman WALSH. Yes; thank you. Very much obliged to you.

Mr. McNAB. I want to express my appreciation of the commission even discussing that situation, because you will understand we haven't had an opportunity to present these matters before anybody, and we are profoundly grateful to you for an opportunity to explain them. I wish I had an opportunity to look over this bill and explain it intelligently.

Commissioner WEINSTOCK. You can see it is not the purpose of this body to act arbitrarily.

Mr. McNAB. Anybody who had any common sense wouldn't assume it was. It was not appointed for that purpose, and the character of the men on the board shows it wouldn't. We are very profoundly grateful to you.

Chairman WALSH. We will now adjourn until 2 o'clock.

(Whereupon, at 12.45 o'clock p. m. Saturday, September 5, 1914, an adjournment was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

Met pursuant to adjournment. Present as before, Commissioner Garretson presiding.

Acting Chairman GARRETSON. The commission will be in order.

Mr. BUSIEK. Will you please be sworn, Mr. Fong?

Acting Chairman GARRETSON. Do you solemnly swear that the evidence you are about to give before this commission in the matter now under hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FONG. Yes, sir.

TESTIMONY OF MR. M. Q. FONG.

Mr. BUSIEK. Please give the commission your name in full.

Mr. FONG. My name is M. Q. Fong.

Mr. BUSIEK. And you live here in San Francisco?

Mr. FONG. My home is in Oakland; business, San Francisco.

Mr. BUSIEK. What business are you now in?

Mr. FONG. In the drug line.

Mr. BUSIEK. What positions have you held—positions of trust and honor, Mr. Fong?

Mr. FONG. During the time after the earthquake in 1906, in the month of July, I entered the service of the Chinese consulate at San Francisco and remained there for about three years. Then I went East with a special commission representing the treasury department of China, studying into the bank-note paper manufacture, and took up that line in the eastern mills for two years. I then returned to San Francisco and departed for China with some American engineers, when the Chinese revolution broke out, and that has kept me here up to this date.

Mr. BUSIEK. What position do you now hold, Mr. Fong?

Mr. FONG. I am the president of the Republic Drug Co.; secretary of the Chinese Six Companies, also known as the Chinese Consolidated Benevolent Association; assistant secretary Chinese chamber of commerce; second secretary of the Yeong Wo Association. While I was East I spent a little time in Washington with the legation and had some special work for Wu Ting Fang.

Mr. BUSIEK. Mr. Fong, you have seen and considered a proposed bill which was laid before the Chinese chamber of commerce by Commissioner Weinstock which provides in general for reregistration of all Chinese in this country and giving them a status and provides for the checking up periodically of Chinese by Government officials. The original draft of the bill, as you know, has been amended so as to make this reregistration, or this registration, permissible on the part of the privileged classes of Chinese and compulsory on the part of the laborers. I wish you would tell the commission what the attitude of the Chinese organizations of this city has been toward that bill.

Mr. FONG. Mr. Steger, the attorney for the Chinese chamber of commerce, in the latter part of February phoned to me. He said, "Now we have an Industrial Relations Commission created by Congress, and I think it is best for us now to draw up some ideas how the Chinese are treated, and I would like to compile all the grievances so we can present it to Hon. Weinstock when he comes to San Francisco." I said, "Mr. Steger, all right, go ahead." "Well," he said, "it would take some time and possibly some money, too, possibly, to compile such a big volume of work which may incur a little expense which your chamber of commerce would not stand for." I said, "It would not be very much." He said, "Not very much." And I took that up in our regular directors' meeting and they said, "Sure, if Mr. Steger is going to compile something how the Chinese are treated and their general conduct and so on, tell him to go ahead." So I did. So that then a few days after that he called me up. "Now, Mr. Fong, will you kindly let your chamber of commerce know that Mr. Weinstock would like to speak to that audience on the evening of March 18." I said we would gladly do so, so I reported that to the directors at their

meeting and a meeting was held to receive Hon. Mr. Weinstock, at the meeting on the night of Wednesday, March 18.

On that evening I was supposed to do the interpreting of Mr. Weinstock's speech. However, owing to my cold, Mr. Li and another one did it for the directors and for the chamber of commerce. On Monday, prior to the meeting, I asked Mr. Steger. I said, "Now, what will Mr. Weinstock talk about or lecture to us about?" "Well, he is going to touch on that proposed bill that I have drawn up for him." I said, "In what way?" "Well, you remember, I have talked to you through the phone that I was also to write a bill." But, for my part, I didn't know that plan—that this bill was to be one thing for Mr. Weinstock to address us.

And so I said, "Now, where is that bill?" "Why, I sent it up to one of your members." I says, "I haven't got it. I would like to know what it is," I said, "so that we can be prepared to listen to Hon. Weinstock when he addresses us." "Well, you had better call up your member." I got it either Tuesday afternoon or Wednesday morning, and that hardly gives me enough time to look over the thing; and so—well, when the evening came and the meeting of all the members were called and the Hon. Weinstock and Mr. Steger and Judge Harrington were there at about a little after 7, and Mr. Steger addressed the members and then introduced the Hon. Weinstock, and the Hon. Weinstock took up the matter, part by part, of the new law or new proposed bill, and also stating that the purpose of the commission was to suppress the smuggling through the borders, and that he understood that some thousand a month were coming in through the borders. And he read it very carefully, and at the conclusion he stated, "Now, do not take immediate action; think this over very carefully. This is not a small matter, but it is a great matter, and you should give it consideration."

After the meeting the whole members—most of the members—jump up on the president. "Well, how is it that you arrange for a meeting to read a bill to be submitted for our voting—although we can't do it to-night—that we know nothing about? How is it we haven't got this bill before us? And let us discuss it and see whether it will meet with our approval, instead of taking Hon. Weinstock's time, and to go over it part by part when we do not know a thing about it." It was a very pleasant surprise to me. I called up Mr. Steger the following day and said: "Mr. Steger, you have done a fine thing to us. In the first place, you should have come up with that bill and read to the directors and let them pass on it, and if they think it should go to the whole membership of the Chinese chamber of commerce we would have taken it up with that part, and after it should go to them we arrange to have Hon. Mr. Weinstock go over with us, but as it is the whole thing is new to us and we are all up in the air." I says, "What are you doing this?" He says, "I spoke to one or two of your members and they seemed to approve it." I says, "That isn't the thing; we should have this beforehand, and discuss it so that it would not be new matter to all members."

In the meantime—I was not secretary at that very particular moment for the Six Companies. They had hardly heard of this matter that night than they gave the chamber of commerce Hail Columbia. They says, "How is it you have such a bill or you folks have got up such a bill?" They understood we have got up the bill for Mr. Weinstock to address and for the Chinese action. And they have a meeting and Mr. McNab was there, and the president of the chamber of commerce was requested to appear before that body and give reasons why is it that such important matter the Chinese chamber of commerce go ahead and have it drawn up by your attorney and not let the Chinese know about it. It is a tremendous question; why should you go in such a tremendous hurry without letting us know about it? The president says he don't know nothing about this bill. We know Hon. Mr. Weinstock is coming to address us, and we are very happy and think it is a great privilege to receive a representative of President Wilson. He did not have any idea he was taking up with us such important subject and we had no idea. So that after hearing from the president they were much pacified, and said if that is the case we will take up the matter with Mr. Weinstock through Mr. McNab and the secretary, Mr. Gee See Hong. I don't know exactly what has taken place with Mr. McNab or the secretary.

Commissioner GARRETSON. Is Mr. McNab counsel for the Six Companies?

Mr. FONG. At that time.

Commissioner WEINSTOCK. Is he still counsel?

Mr. FONG. He is reelected and will continue until next July.

Commissioner WEINSTOCK. Is he still—

Mr. FONG. He is really elected. He will continue until next July.

Mr. BUSIEK. Just give the commission the action that was taken on that by the Chinese chamber of commerce and the Chinese Six Companies.

Mr. FONG. The Chinese chamber of commerce on that very night—the merchants, especially—we represent nobody but the merchants. They disapproved the way in which the bill was formerly. They say, "Here we were merchants in the former time, 20 years ago, the last registration, and we don't have to register." Although in the very beginning, I believe, the bill was not amended, it read as if everybody had to register. Of course, that gives more trouble than there would have been before. Suppose, we will say, last year or six months in China, although the provision provides so, he then thinks it is such an awful thing, why should we have to be registered any more than any other merchant? The treaty and the law of the immigration provides under certain statutes we be exempted from this law, and the immigration law had nothing to do with us, or the exclusion law. We are merchants; we don't want any more extra work to be done than necessary. Now, suppose we were to register. That means to say we would be under burden of certificate; and if we don't possess the certificate we would be simply like the laborer at the present time—harassed by the inspector all over. "Here, have you a certificate?" If you say, "Yes," "Show it to me." Sometimes it may be in a trunk; sometimes it may be in some other belongings, or valise, or drawer; and sometimes they may take it out and dig it up, and sometimes they may say in such a place they have forgotten exactly where it is. "I guess you didn't have it. I don't think you ever had a certificate." Then he would simply be hauled to the nearest station to be questioned and locked up, and we would be under the same condition as those laborers; we would not be any better off; it would be no protection to us.

And not only that, it would make it worse than nothing, from the laborer's standpoint. Of course, that would take in the students, travelers, natives as well as under the original draft of the bill. Of course, the native protested very strongly. "Why, we were never requested to do anything else outside"—

Mr. BUSIEK. Let me interrupt you there. Under the amendment to the bill the native does not have to register. Of course, that is a privilege that he has. It will save him embarrassment.

Mr. FONG. I wish to express both views of it; that is, the former view and the after view. In the former view they say, "If we were to register, why, something—I think it is great humiliation we call it. We were born here under the American flag, under the American Constitution, and why should we have to do it?"

Commissioner GARRETSON. You feel it is an indignity needlessly placed upon the exempt class?

Mr. FONG. The exempt class. Of course, after that clause is stricken out they can do it if they please; but that is no guarantee to us, anyway. Suppose if we don't have one, why, the bill would be this way: All would have to register, with the exception of the exempt class, and they can do it if they so pleased. All right.

If your honorable commission—if you only knew how the Chinese was treated here, that bill would do the Chinese more damage than good. The Chinese here would have to testify every time that they were legally here that they are legally here. The inspector always tries to make you a guilty party unless you can prove that you are innocent. If this bill goes through—and I am explaining this from the view of the exempted class—if this bill goes through, the laborer would have to be reregistered. Now, some of us would probably like to. So those who don't care to they don't think we ought to be subject to this new way.

Inspector comes along, "Well, have you a certificate?" "No." "Why? There was a registration law not long ago. Why didn't you get one?" "I don't have to have one." "Can you prove it?"

He would have to get a great burden to prove why it would probably last a month. I have seen the thing done for the present time, not to say any of the future. At the present time is the same way, the same old story goes on. So the Chinese feel that if this thing is ever presented to Congress and passed by them it means more trouble to the Chinese in general. They feel this way.

Now, the honorable commission representing President is to do the work and try to stop smuggling. Well, now, it is in our opinion that there are more or

less people smuggled through. There is no question about it. Now, isn't it a fact that they go through the eyes of the immigration officials? How can they ever pass through a border without being seen? Is it possible? Now, the honest Chinese feel that if the immigration officials at the border were carrying out their sworn duty this smuggling would be automatically stopped, if it was rigidly enforced, if there was no crooked work of any kind ever going on, they believe that they can watch them close enough, you know, without having them pour in as exaggerated by the reports which wasn't so. And also at the sea ports. Now, they think the only remedy can be done is to have these inspectors so discharge their duty, you know, that they would be strict at the borders and see that no immigration gets in, no smuggling comes in. They can't feel by having such a law, that would stop the smuggling. Now, this is the view of the law, to stop smuggling, and they think that this law works double, works a hardship on the Chinese themselves and yet won't do the work as it is represented to do.

Commissioner GARRETSON. Their viewpoint is that that law works a hardship on every innocent man to catch a guilty one?

Mr. FONG. Sure. Most surely. And works it on the guilty one, too.

Commissioner GARRETSON. Oh, yes; but of course that would be logical.

Mr. FONG. Logical, yes; but of course you know it is a very hard thing to do for a person to have those certificates of registration. Now, for instance, if a person is traveling from Los Angeles to San Francisco at the present time, an inspector is at Bakersfield and Fresno. At Bakersfield he boards the train. "Mr. Conductor, is there any Chinese on this train?" "Yes." He immediately comes to the berth. "Have you got a certificate of residence or any kind of a certificate showing that you have a right to be in this country?" Well, he either have to show it or there is something doing. And the same way, if he shows that certificate, "All right, go on." Either at midnight or at any time. And then he proceeds up to Fresno and another one comes. "Have you a certificate?"

Commissioner O'CONNELL. Have the Chinese recently held a large meeting on this matter?

Mr. FONG. What, on which matter? On the matter of this?

Commissioner O'CONNELL. On this bill, yes.

Mr. FONG. The Chinese Six Companies did have one, but that is right after the lecture given by Mr. Weinstock. They did have one.

Commissioner O'CONNELL. Haven't you had a recent meeting where there were several hundred Chinamen present?

Mr. FONG. No; not under my time. I was in office the 1st day of April.

Commissioner O'CONNELL. Wasn't there a meeting held a couple of weeks ago?

Mr. FONG. On this subject?

Commissioner O'CONNELL. Yes.

Mr. FONG. Well, not to my knowledge. I don't seem to recall. A meeting was held—let's see, two weeks ago, a couple of weeks ago?

Mr. BUSIEK. Yes.

Mr. FONG. Not exactly on the bill, but a meeting was held on the general principle, that is on the general treatment of Chinese, you know. We were prepared to get statements on the status, you know, so we can present it at any time.

Commissioner O'CONNELL. Didn't this matter come up at that meeting in some way?

Mr. FONG. Not very strongly. Of course in all the Chinese meetings this bill had been a black eye to them.

Commissioner O'CONNELL. Wasn't there some question about the attorneys who had been representing this matter and representing some of your associations or organizations?

Mr. FONG. Why, I don't know as they stated it openly. Of course I wasn't at all the meetings, you know.

Commissioner GARRETSON. Could you discuss—

Commissioner O'CONNELL. You better ask him.

Commissioner GARRETSON. Could you discuss the status of the Chinamen at the present time; that is, in a body of Chinamen, without this tentative bill naturally weaving itself into it?

Mr. FONG. What do you mean?

Commissioner WEINSTOCK. It means, if you had a meeting discussing these questions, that this bill would naturally bob up.

Commissioner GARRETSON. Naturally, in view of the discussion of the results that might come from its passage.

Mr. FONG. Oh, not necessarily, unless we discussed the immigration subject.

Commissioner GARRETSON. Well, what appealed to me was this: Could you take a view of the Chinese status as it is——

Mr. FONG. Yes.

Commissioner GARRETSON. Without taking into consideration the immigration laws existing and proposed?

Mr. FONG. Yes.

Commissioner GARRETSON. Wouldn't they naturally weave themselves together, one being a part of the other?

Mr. FONG. Why, I don't quite get hold of your question, sir.

Commissioner GARRETSON. Well, I don't know whether I can make it clearer or not.

Mr. FONG. I don't quite get hold of the idea.

Commissioner GARRETSON. If you were going to discuss the relation of the Chinese here——

Mr. FONG. Yes.

Commissioner GARRETSON. That is, to the Government of this country.

Mr. FONG. Yes.

Commissioner GARRETSON. Wouldn't it be part of the consideration of that question, not only the existing law of this country, under which they had come in or been born here——

Mr. FONG. Yes.

Commissioner GARRETSON. As well as the proposed law which might go into effect and change that status in any degree? Wouldn't they all be considered together? Could you cover the subject without discussing all of them?

Commissioner WEINSTOCK. It is an immaterial point, anyhow.

Mr. FONG. I don't know as I understand that clearly.

Commissioner GARRETSON. Go ahead. Let it go.

Commissioner O'CONNELL. Wasn't there some question as to the attorneys of your merchants' association, Mr. Steger—and Kennedy, is it?

Mr. BUSIEK. Mr. Kennah.

Commissioner O'CONNELL. Kennah.

Mr. FONG. Well, Kennah is a partner of Steger, but Steger does our work; does our work for the chamber of commerce.

Commissioner O'CONNELL. Hasn't your chamber of commerce taken some action in connection——

Mr. FONG. With this bill?

Commissioner O'CONNELL. Yes.

Mr. BUSIEK. With Steger's activity in it.

Commissioner O'CONNELL. With Steger's activity in it?

Mr. FONG. Well, the chamber of commerce disapproved of this thing entirely.

Mr. BUSIEK. Well, did you take up that subject with Steger?

Mr. FONG. Mr. Wong authorized me to tell Mr. Steger, "Don't bring anything like that without first presenting it to us. This thing was not absolutely within our idea of reason." We spoke to Mr. Steger officially on this point.

Commissioner WEINSTOCK. Now, coming back to the merit of the bill itself, you have just explained that even as it is now under the present law——

Mr. FONG. Yes.

Commissioner WEINSTOCK. That you have seen Chinamen held up and papers demanded, and subjected to annoyance and all that sort of thing. Well, now, let us see how it works out under the present law: Are you a native of California?

Mr. FONG. I am a native of California.

Commissioner WEINSTOCK. All right. Supposing you should find yourself in Detroit, or in Attleboro, Mass., or in Austin, Tex., or in some place away from your home. Your home, I take it, is in San Francisco, is it not?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. All right. Your friends are all here. Supposing you were in Austin, Tex., to-day, and I was an inspector, and I came along and I said: "Your papers, please."

Mr. FONG. Yes.

Commissioner WEINSTOCK. And you would have no papers.

Mr. FONG. No.

Commissioner WEINSTOCK. All right. He would say to you, "I think you are a contraband"?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. "And you have got to prove to me you are not"?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. "Or I will have you arrested." Now, what could you do to-day?

Mr. FONG. Well, I would simply have to get the burden of proof from San Francisco.

Commissioner WEINSTOCK. You would either have to send for your papers to San Francisco, or bring your witnesses from San Francisco—or—well, I don't know what else you could do.

Mr. FONG. I don't know either.

Commissioner WEINSTOCK. You would be in a very bad position.

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Utterly helpless?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Because here in San Francisco you would have means of proving your identity?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Away from San Francisco you would have no means of proving your identity?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Are you aware of the fact that under the present law—the law has simply been lying dormant, but under the present law all of these things you dread in the new law are possible?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. So that, under the old law, away from home you are utterly helpless, and under the new law, with this certificate in your pocket, nobody could molest you?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Therefore, does it not seem reasonable, in your own interest, as a native citizen who wants to travel about, that this new law would be in the nature of a great protection? Let us see if I am right or wrong: To-day, if you want to go back to Europe or China or anywhere else outside of the United States, you are subjected to delay, are you not, in getting passports?

Mr. FONG. Sometimes.

Commissioner WEINSTOCK. And if you are unknown—happen to be in a community where you are not known, where you don't know the authorities, who look upon you with suspicion, you not only would have delay but annoyance?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. And vexation of spirit and trouble. Whereas the moment you register under the new law and get your certificate, you could go and come just as easily as I could go and come without restriction?

Mr. FONG. Yes, sir.

Commissioner WEINSTOCK. Therefore, from the standpoint of a native citizen, does it not seem that the new law affords you a protection you can not get to-day?

Mr. FONG. Well, the way I look at it, even if we have this new bill passed, I wouldn't subject myself and get one of these certificates. I would rather be subjected myself to all these annoyances and show to the Government whether there is not any other remedy before I subject to it. Why should I subject to a law, to get a passport, something that can be burned up, something that can be lost. Why should I?

Commissioner WEINSTOCK. You don't have to, if you don't want to.

Mr. FONG. But I don't see why I should subject to such indignity which no other national born under the United States flag would have to, outside of the Chinese.

Commissioner WEINSTOCK. You might say if you wanted to go to Turkey as a native-born American citizen, why should you subject yourself to the indignity of getting a passport, but you would have to get it if you wanted to go to Turkey. You would have to get it if you wanted to go to Russia, and that is not regarded as an indignity.

Mr. FONG. I don't think that would be equal—parallel.

Commissioner WEINSTOCK. Why not?

Mr. FONG. Now, the Turkish Nation treats all other nations as a whole, you know that. Turkey not only expects for you, but expects every other nationality to go in the same way.

Commissioner GARRETSON. Does Germany do precisely the same thing?

Mr. FONG. I don't know.

Commissioner GARRETSON. She has a passport system only where they become residents.

Commissioner WEINSTOCK. No; there are only two countries that demand passports, Russia and Turkey.

Commissioner GARRETSON. I knew they both did, but I was under the impression that to save considerable trouble in both Austria and Germany you would have to have them.

Commissioner WEINSTOCK. No; I have been all over those countries, and never had them.

Mr. BUSIEK. As I understand Mr. Fong, he takes this position, that the Chinese do not object to doing anything that is required of everybody else. If he wants to go to Turkey, and he had to take out passports, he wouldn't object, because everybody else has to. But the native-born Chinese object just as strongly to having to take out a certificate in Austin, Tex., as I would object to it. That is the point.

Commissioner WEINSTOCK. The United States Government has seen fit, whether good or bad, or right or wrong, or wisely or unwisely, it has seen fit to discriminate against Chinese coolies.

Mr. FONG. Yes, sir; certainly.

Commissioner WEINSTOCK. As I understand it, the intelligent Chinese don't blame the Government for that.

Mr. FONG. I don't blame them myself.

Commissioner WEINSTOCK. They realize that if the bars were let down, the millions of Chinese coolies would come over to this country like so many grasshoppers and eat us up, and therefore they don't blame the Government for having established a restriction law against the coolies. Now, they have been told there must be some way to differentiate and identify the preferred from the nonpreferred classes, and you can't do it by appearances, because there are many merchants who don't look like merchants and many coolies who do look like merchants. Therefore you can't be guided by appearances pure and simple. There must be some method of identification, and the human mind thus far has not been able to devise any better method than by certificates, unless you want to brand a man and identify him that way. Therefore, so long as there is an exclusion law, there must be a way of identifying between the privileged and nonprivileged classes, and if you can suggest a better way than the certificate we would be mighty glad to hear it. It is not the purpose of the commission and not the purpose of the Government to needlessly humiliate those who are entitled to come here under the treaties and Constitution and remain under the Constitution, and it is not the purpose and spirit of this commission to do it. The only purpose that this commission has is to carry out and perform the duties that have been imposed upon it by Congress, with the thought before us that there is an exclusion act that we can't escape.

Now, you admit and it has been admitted here by authority—by men who know, whose business it is to know—that there is a great deal of smuggling going on and that thus far all the efforts that have been made on the part of the authorities to prevent it have not been successful. Now, the commission realizes that the best way to minimize this smuggling is to take out of it the profit. The white man who is a smuggler of Chinese, he does not smuggle them in because he wants to see them have a better time than they would have in Mexico or China, but because there is profit for him to do it. If we can take away that profit, or make that profit very small, we kill the business, and the best plan that has thus far been submitted to this commission is to carry out the provisions of this bill, and if you can suggest a better plan you are the man we are looking for; we will take off our hats to you.

Mr. FONG. I know this much; how it will work out I don't know, but I know it created great hardship.

Commissioner WEINSTOCK. Will it create a burden—will it create a hardship if the present law was rigidly enforced and you were held up whenever you could not show the certificate, which they have a right to do to-day?

Mr. FONG. It seems to me a greater hardship. Now, with an extra appropriation, you see, if that arresting crew is situated in a position to do that thing or not, now they have to do it when they have extra time. Under the new law, we say there is a patrol duty. I don't see how it can do anything else than work a great hardship.

Commissioner WEINSTOCK. That is not exactly the spirit of the law. In the first place, the Government could not afford to have patrols in every city all the time. They probably would visit a city twice a year, if they understood their business, and the law provides that only men shall specialize on it, men shall be trained for it, they could easily locate contrabands without canvassing every Chinaman in the community, and there would be other means of getting that information.

Mr. FONG. I should say if these gentlemen who are working under the present law, if they were sincere and honest with the United States Government, I don't think this condition would exist; I doubt it would exist.

Commissioner WEINSTOCK. But we have got to take the conditions as we find them, and we know it does exist and has existed, and is likely to continue to exist.

Mr. FONG. Now, if these inspectors of this bureau were to be permitted under the new one, I think they have more chance of doing wrong than good. They have done so now, and this has given a little better circle to go about. I don't know where it is going to end, sincerely, I don't.

Commissioner WEINSTOCK. We are open to a better plan if you can present it.

Mr. FONG. Of course, it is up to Congress to pass any harsh law, and up to the Chinese to fight it the best way they know how. Of course, if the citizen can't do anything they simply have to appeal to the country. It makes it hard for many Chinese. Here they say, "Here under the law existing in the United States, why are the Chinese treated quite different from all other nationalities?" I can assure you many people of wealth and opportunity prefer to live in China under these bandits and other things rather than stay in the United States.

Commissioner WEINSTOCK. Isn't it a fact, Mr. Fong, that the United States is not the only country that has an exclusion law? Australia, New Zealand, and Canada have it, and there I don't think they have the privileged classes. I think every Chinaman must pay a large sum, I think about \$500, to get admission; isn't that true?

Mr. FONG. In Canada I believe there is a \$500 per head, but the Chinese now can say—it is far better to be in Canada than to be in the United States, because once you pay your \$500 you are through. You don't have to be bothered by anybody. When you are inside the country, those who come over here, who would not be allowed in this country, outside of smuggling—

Commissioner WEINSTOCK. Isn't it true in Australia—in Australia and New Zealand, while I was there, I got some information; I did not investigate thoroughly, but my recollection is that also in Australia and New Zealand that every Chinaman, regardless of his status, must pay a head tax of \$500.

Mr. FONG. Yes; but they were not molested after they got in.

Commissioner WEINSTOCK. No; they are not molested.

Mr. FONG. As I say, the Chinese prefer to know something definite, prefer to do something definite.

Commissioner WEINSTOCK. The purpose of this bill is to minimize the possible molestation to-day. Wherever you travel throughout the United States you are subject to molestation; you are subject to be held up and pay a tax unless you can prove your identity, and we want to give you the protection, we want to make it possible for you every minute to say you are free.

Mr. FONG. What are you going to do? This registration can not go on from year to year, say last 1 year or 2 years or 10 years, what are you going to do with people coming after, registering legally? They would not have a certificate.

Commissioner WEINSTOCK. Yes; they are furnished with a certificate immediately if they ask for it. The law provides any Chinaman who is entitled to get it can get it on demand, and if he has lost his he can get a duplicate on demand.

Mr. FONG. Mr. Weinstock, the law at the present time states that if a man loses a certificate of registration—present certificate of registration—it is not much of a burden as requested by law—but he shall give it; he should have it returned to him—a duplicate from Washington. I know a case now that has puzzled me, more than puzzled me; and I don't know why, unless of some crookedness somewhere. There is a man who has a cut in his face—no two persons alike. He had a certificate; he went to China three times. He had a laborer's certificate, and he couldn't have gone to China unless he had the certificate, and come back on his labor certificate. His certificate was destroyed on the ranch. Let us see, I believe he was living at Hanford. He was in another place and he was burned out there, and then he was burned out again. He was arrested

last year or the early part of this year and demanded to show his certificate. "I haven't got one." "Where did it go to?" "Destroyed by fire." Well, they took testimony. "Did anybody know that this place was on fire one time?" "Yes." Took the statement of witnesses; witnesses said his certificate was probably burned in fire outside Hanford, where he had stated it was burned at Hanford. What difference does it make to the immigration people that it was burned, as long as it was destroyed?

They are going to try and deport that man. I know he can't be deported. That man has a certificate and they have got to admit it, because he was so recorded at the immigration office of San Francisco every time—three times.

Now, they make it hard for that man—try to arrest a person having a certificate, and go to all those troubles. I don't know, I firmly believe that those immigration people—I will have the same old hard time as this gentleman would. This gentleman passed through three times, recorded at the immigration office at San Francisco. All they have got to do is simply to ask him if he ever possessed one, and if he did, all right. Suppose the man was a liar? Suppose Washington issued a duplicate, it can't be used by another fellow. If Mr. Weinstock is photographed, it can't possibly be used as a photograph of some one else, unless a member of the immediate family who had a great resemblance—it is almost impossible, photographing it so exact. What does it mean to Washington, anyhow, but issuing another? That man had absolutely had his burned, and simply through the testimony of one witness saying it was burned in one place, and he had said it was burned another place, they say a discrepancy is there and we can't give it to him. I think one reason so much of this trouble occurs, I will say, is due to the men who carry out the law. I can't impress it too hard upon you, gentlemen, this point. It is the men that enforce the law that makes it hard for the Chinese—or makes it hard for the United States Government in having Chinese escape through the border and elsewhere. I don't believe it is the law itself. I think the law is good enough, and as Chinese would not complain, I don't believe, if everything was honestly carried out.

Here is another case at Los Angeles: Not long ago when I was carrying on an investigation for the Chinese Six Companies an inspector down there had been to a laundryman for four different times and demanded his certificate. On the fifth time he saw the same party about 25 miles away from Los Angeles. "Where is your certificate?" "Oh, say, what is the matter with you? I show you four times. Why you want it again?" "Well, I can see it any time I please; better show it to me." Make the man the trouble to go back to Los Angeles 25 miles away to show his certificate. That is the way how the thing was operated. That why to an extent one man possesses a certificate. And what protection has he got? I don't see any. I see a lot of hardship.

Mr. BUSIEK. In talking about an honest enforcement of the law, what is the real truth, Mr. Fong, about the officers who are enforcing the present law?

Mr. FONG. Now, I should say, although I was not myself at any time engaged in seeing anybody off or in; but in my official capacity that seemed to be the general rumor, that this smuggling, if it is done at all, must be through and with the aid of some inside information man or somebody. It can't be done with the Chinese, you know, with some one else go right straight through. But it seems to me, through the whole business there must be something wrong, radically wrong, with this whole immigration machinery. There must be some graft going on somewhere. That is the general rumor. I haven't seen that as an eyewitness—I was never doing it—but it seems to me the general feeling. It must be possibly only by that.

Commissioner WEINSTOCK. Tell me, isn't it a possibility that a vessel can be loaded at some Mexican port, without the immigration officials knowing anything about it, and a vessel can come up and land anywhere along the coast where there are no immigration officials, and unload there? Isn't it possible to do that without an immigration officer having anything at all to do with it?

Mr. FONG. It is, I would say, very possible; but it is not very probable, though it is very possible. It, I say, is possible, but you know no Chinese dare travel; take the coast of California, not so very familiar with it, but you can't go very far with a strange face without some one knowing it every time. Every time there is a move they know it.

Commissioner WEINSTOCK. Do you know of that—what was the name of that vessel that was caught here recently?

Mr. BUSIEK. The *Calipso*.

Commissioner WEINSTOCK. With 30 or 40 Chinese, and they all escaped, and nobody ever has done anything; and they have traveled over the State, no doubt, unmolested.

Mr. FONG. That is something very remarkable.

Commissioner WEINSTOCK. But that is a fact.

Mr. FONG. I can't say those things can't occur very often; it may be.

Commissioner WEINSTOCK. They caught the captain of the ship, they caught the smuggler, the white man smuggler and the Chinese smuggler, but the passengers themselves escaped—about 30 or more of them.

Mr. FONG. I know, but in connection with this what you mention with the new bill, that doesn't prevent those people going and doing that; that doesn't prevent that.

Commissioner WEINSTOCK. That is true. You are right. They could do that under the new bill just as they can do it under the old bill, with this difference: That those 30 or 40 Chinamen are likely to be held up any time and the certificate demanded.

Mr. FONG. They are likely now.

Commissioner WEINSTOCK. No, they are not likely now; that is, the law provides for it now, but the machinery is not there, it is not enforced. It simply means the enforcement of the present law, that is all.

The inspection—the fact of this proposed law calling for an inspection is no different from what the law provides at this minute, only that this makes provision for its enforcement, and the present law is so construed that it is not enforced. Aside from the reregistration is the enforcement of the present law by inspection; that is all, with this difference, that under the present law if that inspection is enforced, you, and thousands of others like you entitled to be here, native citizens, if you happen to be away from home would be liable to annoyance and inconvenience and humiliation where under the new law it would be possible for you to protect yourself thoroughly.

Mr. FONG. Now, Col. Weinstock, I think if you were in my place, I don't know, but if you would happen to be a Chinese citizen and look at it from a Chinese view, my view—I wouldn't quote this as a view of Chinese at large, but my personal view is to let the Chinese know, the Government hear about it, anything to be remedied; let them remedy it through the diplomatic source rather than have a new law, law, law all the time. I am personally in this favor of the law all the time. If the law they have would be enforced. I think of they are enforcing the immigration law, they are enforcing it more worse than any other law they have in Congress now.

Commissioner WEINSTOCK. Let me ask you this: Do you believe existing laws ought to be enforced?

Mr. FONG. As far as smuggling is concerned I should say so.

Commissioner WEINSTOCK. I would tell you what would happen if the existing law was enforced. There would be a great deal of injustice done, because if the crews, if the inspection crews were sent out to-day to check up they would find untold numbers of Chinaman legally entitled to be here, but utterly unable to prove their rights because, many of them, their papers were destroyed in the San Francisco fire. Under the law they would be deported. It is because of that possible injustice that might arise that this has been established, has been suggested, reregistration, so as to wipe off the slate and legalize every man that is here, right or wrong, making it impossible to deport a man legally entitled to be here, to cure that situation.

Mr. FONG. It would take a great deal to convince me, though. On the face of it it sounds good, but different when we try to study and analyze it, it doesn't—I rather see Congress enforce the law and do as much injustice they don't want it to do; I would prefer to have Chinese hear of it in that light, in that manner, rather than have another law. I am not in favor of new law. Every time when there is a new law passed it seems to give to the Bureau of Immigration that much more power—every single time it seems to put new blood into their veins all the time; always has been, and I think it always will be.

Commissioner WEINSTOCK. That is all. Thank you.

TESTIMONY OF MISS NORAH K. BANKS.

Mr. BUSIEK. Please take the chair, Miss Banks.

Commissioner GABRETSON. Take the oath: Do you solemnly swear that the evidence that you will give in this matter before the commission is the truth, the whole truth, and nothing but the truth, so help you God?

Miss BANKS. I do.

Mr. BUSIEK. Please state your name, Miss Banks.

Miss BANKS. Norah K. Banks.

Mr. BUSIEK. I will ask you to speak out so that all these gentlemen can hear you.

Miss BANKS. Norah K. Banks.

Mr. BUSIEK. What is your position?

Miss BANKS. I am Miss Cameron's assistant in the Presbyterian Chinese Home in this city.

Mr. BUSIEK. And Miss Cameron is so sick that she can not come before this commission at this time?

Miss BANKS. She is.

Mr. BUSIEK. That is true. How long have you been Miss Cameron's assistant?

Miss BANKS. For two and a half years.

Mr. BUSIEK. And prior to that time you were where?

Miss BANKS. I have been working among the Chinese for over 20 years in Los Angeles and San Francisco.

Mr. BUSIEK. Miss Banks, to get right to the meat of the matter, some years ago an investigation was made into the Immigration Department here at San Francisco. At that time, as I have taken it up with you and with Miss Cameron, Miss Cameron gave some testimony to Mr. Edsell concerning conditions which she had discovered in the Immigration Bureau here; namely, that girls who were brought over here as prostitutes were brought over by the aid of certain interpreters and inspectors in the bureau, and Miss Cameron mentioned names, giving chief among those Dr. Gardner. And her testimony, which I asked you to verify with her, was to the effect that for a great many years she had thought that Dr. Gardner was a sincere and earnest Christian, but the persistent reports which she had heard had ultimately caused her to change her mind, and she knew of specific instances in which he had had a hand in importing Chinese slave girls. That is true, is it not?

Miss BANKS. It is.

Mr. BUSIEK. And do you know of any instance that has come to your observation since that time of Dr. Gardner's participation in such business?

Miss BANKS. Yes; I do; of one case in particular. There have been a number of girls in the home, rescued slave girls, who have stated at different times that they had heard it reported in Chinatown that Dr. Gardner was engaged in this business and did help to land slave girls, but this girl to her own knowledge knew that Dr. Gardner came one night to the house of her owner, or her owners—I think she was owned by a certain family, or more than one man, as they often are—and he told this man, she heard him tell him that a certain raid was to be made by immigration officers, on information that they had received, on a certain slave house. And Dr. Gardner gave this man the information in order that he might have the girls out of the way, and she was one of the girls that were to be removed from that house before the immigration officers got there. And she said that Dr. Gardner was in frequent communication with those men.

Mr. BUSIEK. Did you satisfy yourself as to the truth of this statement; did you believe it yourself?

Miss BANKS. I did; because she was—though she was a rescued slave girl, she was a very truthful girl, and she had no object whatever in telling us different. She did it voluntarily one night when we were speaking of the conditions of slave girls, and she said how she had to work, that if she hadn't been rescued she would have had to work that much longer in order to pay back the money which that cost her owners.

Commissioner WEINSTOCK. Did this girl speak English?

Miss BANKS. No.

Commissioner WEINSTOCK. Do you speak Chinese?

Miss BANKS. I understand a little, but Miss Wu was with me.

Commissioner WEINSTOCK. Did she act as interpreter?

Miss BANKS. Yes; but I could understand almost everything that she said.

Mr. BUSIEK. Now, there are, then, three cases of which Miss Cameron and you have satisfied yourselves as to the truth of the matter. In addition to that, it is one of the most persistent and most common reports in Chinatown, is it not, that Dr. Gardner shares or extorts money from incoming Chinese and assists in landing prostitutes?

Miss BANKS. Yes; it is. It is commonly reported and believed. I have heard these reports myself of my own knowledge for nearly 20 years since I became interested in rescue work.

Commissioner GARRETSON. And they are seldom if ever combatted by the natives?

Miss BANKS. Oh, no. It is the general belief, but nobody has the courage to testify to that.

Mr. BUSIEK. There are two or three other interpreters, are there not, who are involved in the same kind of charges?

Miss BANKS. Well, this girl mentioned another interpreter. She could not describe him as clearly as she did Dr. Gardner. She said that they called him Ah Joe, and we were not able definitely to place him. She said that he was an American and that he spoke Chinese very well. He was one of those at that time in the service; a white man who spoke Chinese.

Commissioner WEINSTOCK. How old was this girl?

Miss BANKS. She was about 23.

Commissioner WEINSTOCK. She was used for immoral purposes?

Miss BANKS. She had been kept; yes; by this family, and she said that her master and her master's relatives were friends of Dr. Gardner's. She was rescued by Miss Cameron.

Commissioner WEINSTOCK. I don't quite understand. She was a domestic servant in the family?

Miss BANKS. No; she was a prostitute.

Commissioner WEINSTOCK. Used for immoral purposes?

Miss BANKS. Yes; owned by this family.

Commissioner WEINSTOCK. And lived right in with the family?

Miss BANKS. No; she was kept in one of these houses; but she was in this man's store or house at the time, I understood, that she heard the conversation between Dr. Gardner and these men.

Mr. BUSIEK. Now, Chin Jack, one of the interpreters, and Ed Park are also supposed to be doing that same kind of work, are they not?

Miss BANKS. I had never heard anything about Chin Jack. I have no knowledge. But we feared that Mr. Park was.

Mr. BUSIEK. Now, Dr. Gardner was a member of the church and took active part in the work which you are now performing for many years, did he not?

Miss BANKS. For a great many years, and Miss Cameron at that time trusted him implicitly; would as soon have thought, I think, of doubting herself as she did him, and he professed a great interest in the home and appeared to give a great deal of help to it at that time.

Mr. BUSIEK. And how was his connection severed with that congregation or with that work?

Miss BANKS. I am not acquainted with those facts. I don't know.

Mr. BUSIEK. You are not?

Miss BANKS. No.

Mr. BUSIEK. I believe that is all, unless the commission has something.

Commissioner GARRETSON. Anything further, Mr. Weinstock?

Mr. BUSIEK. Oh, yes; I want to ask you this one question: In the written examination taken by Miss Cameron, in which Miss Cameron gave her statement to Mr. Edsell, she said that she could furnish him with the names of two men who would testify to actual transactions with Dr. Gardner, men whom she said had the courage to come forward. And I asked you to take that matter up with Miss Cameron and ask her whether or not Mr. Edsell ever required of her that she furnish the names of those men or asked for her assistance in procuring statements from them.

Miss BANKS. She could not remember, Mr. Busiek, whether she ever did give the names or not. She didn't think that she had given the names, but she did give him the names of two notorious Chinese men who were importers of slave girls that she knew were connected with Dr. Gardner a long time.

Mr. BUSIEK. Those were Woo Wai——,

Miss BANKS. And Yee Mee.

Mr. BUSIEK. I believe that is all.

Commissioner GARRETSON. Thank you.

TESTIMONY OF MR. LEE SONG.

Mr. BUSIEK. Mr. Fong, will you please take the oath as interpreter, first?

Mr. FONG. Yes.

Commissioner GARRETSON. I will swear the witness first. Do you solemnly swear that the testimony which you will give before this commission—one moment; I will swear you first [addressing the interpreter]: Does he understand the oath?

Mr. FONG. He understands the oath. I can repeat it in Chinese.

Commissioner GARRETSON. That is the reason I was going to swear you first, so you can repeat it to him. I will swear you as interpreter first.

Mr. FONG. Yes.

Commissioner GARRETSON. Do you solemnly swear that you will truthfully interpret in every particular as between the commission and the witness in this matter now before the commission?

Mr. FONG. Yes.

Commissioner GARRETSON (addressing the witness). Do you solemnly swear that the testimony which you will give in this matter now before the commission is the truth, the whole truth, and nothing but the truth, so help you God?

The WITNESS. Yes.

Mr. BUSIEK. Have the witness take the chair. Now, Mr. Fong, caution the witness to answer nothing but the question that is put to him and answer it directly.

Mr. BUSIEK. What is your name?

Mr. LEE. Lee Song.

Mr. BUSIEK. Where do you live?

Mr. LEE. In this city.

Mr. BUSIEK. What is your business?

Mr. LEE. In the firm of Wint Ti Lung, general merchandise—merchants.

Mr. BUSIEK. Do you know Dr. Gardner?

Mr. LEE. I know him.

Mr. BUSIEK. Did you ever see any transaction between Dr. Gardner and any other Chinese person, which would lead you to form a conclusion as to Dr. Gardner's honesty?

Mr. LEE. I have.

Mr. BUSIEK. Where was that and when?

Mr. LEE. In the year of the earthquake—that was 1906—I saw Dr. Gardner have some relations with Fong Hing, in Oakland.

Mr. BUSIEK. What was Fong Hing's business?

Mr. LEE. Fong Hing's business prior to the earthquake was in the cigar business, but after the fire he attended to these immigration cases or looked after the immigration cases.

Mr. BUSIEK. And ask him whether or not Fong Hing accumulated a great deal of money?

Mr. LEE. It was known that he had a lot of money when he went to China.

Mr. BUSIEK. Ask him whether or not Fong Hing did not have the reputation as being a smuggler and importer of Chinese prostitutes and was not in fact known as such among the Chinese?

Mr. LEE. He is known to me, and in general that he looked after all cases, all immigration cases, whether women or men or anyone else.

Mr. BUSIEK. Whom did he look after them for?

Mr. LEE. Any particular person; any person that happened to come and call on him to transact the business, or say look after my immigration case, he does it for him.

Mr. BUSIEK. He don't work, or he didn't work, with any particular lawyer at all?

Mr. LEE. He had no one attorney in particular, simply worked with one attorney one day and another attorney another day who have as their business general immigration practice.

Mr. BUSIEK. Was Fong Hing a highly educated Chinese, and could he talk English fluently?

Mr. LEE. He is an educated fellow and speaks English very fluently.

Mr. BUSIEK. What was this transaction you saw take place?

Mr. LEE. This incident was in an evening about 8 o'clock—over 8 o'clock. One night on Webster Street, between Fourth and Fifth, he saw Mr. Fong Hing, and he says, "It is a warm night, simply I am waiting for a person." He, Lee,

stepped aside and walked along and saw Gardner come along and saw Fong Hing hand the money over to Dr. Gardner.

Mr. BUSIEK. How much money did he have?

Mr. LEE. I know they have a lot of money, because he held the money in his hand while he was waiting for this party.

Mr. BUSIEK. What kind of money was it?

Mr. LEE. It was in gold.

Mr. BUSIEK. Did Fong Hing give any explanation of what this money was or why he gave Dr. Gardner this money?

Mr. LEE. Yes, sir; he says, "I am regularly in touch with Dr. Gardner, and of course I handle cases, and if a case wasn't any good, why for that sum, \$200 or \$250, he can generally straighten it out for me." That was Fong Hing told me after I asked him whether he have any relation with Dr. Gardner.

Mr. BUSIEK. Was any proposition ever made to you that Gardner would take cases for you?

Mr. LEE. Well, he said just prior to his departure for China, he says, "I am sorry my time is somewhat limited; I would like very much to make you acquainted with Dr. Gardner and put you there as my personal friend and confidential friend; it would enable you to carry on my job or my business the same that I have been doing."

Mr. BUSIEK. Ask him what Gardner's general reputation is.

Mr. LEE. It has been a general rumor that I know of that Dr. Gardner generally looked after these cases that wouldn't pass otherwise, but Dr. Gardner wouldn't accept generally except through a few hands.

Mr. BUSIEK. What was that answer? He wouldn't take the money?

Mr. LEE. He wouldn't take the deal except through particular hands.

Mr. BUSIEK. He had to have some go-between?

Mr. LEE. Some go-between; a particular person he can trust or confide in.

Mr. BUSIEK. Who were these persons?

Mr. LEE. I know definitely Fong Hing was one of them; but as to the others, of course, I have heard Dr. Gardner was very careful, only a few persons. I heard this, but I don't know who the other party was, outside of Fong Hing. I know Fong Hing was one of them.

Mr. BUSIEK. Didn't the transaction take place near Woo Wai's house over in Oakland?

Mr. LEE. I do not know. I only know that—I know now Woo Wai lives in Oakland, but not after the fire, because I went to San Jose and happened to come up to collect some insurance and went over to Oakland and happened to be walking down Webster Street and met Fong Hing.

Commissioner GARRETSON. You have established the residence as being there, from other sources?

Mr. BUSIEK. It is established in the record.

Commissioner GARRETSON. Is that all?

Mr. BUSIEK. That is all.

TESTIMONY OF MR. WONG TONG.

Commissioner GARRETSON. Do you solemnly swear that the testimony which you will give in this matter now before the commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Wong. Yes, sir.

Mr. BUSIEK. Mr. Wong, we are going to conduct this through Mr. Fong, so that we can get along faster, that is all.

Mr. Wong. Yes, sir.

(The examination of the witness Wong Tong was from this point conducted through Interpreter Fong, and the answers recited by him.)

Mr. BUSIEK. Your full name?

Mr. Wong. Wong Tong.

Mr. BUSIEK. What is your business?

Mr. Wong. General merchandise.

Mr. BUSIEK. How long have you been in San Francisco?

Mr. Wong. I was born in San Francisco.

Mr. BUSIEK. What connection have you with the Chinese Presbyterian Church?

Mr. Wong. I am a member and baptized in the Presbyterian Church over 25 year ago.

Mr. BUSIEK. How long have you known Dr. Gardner?

Mr. WONG. About 20 years.

Mr. BUSIEK. What was Dr. Gardner—was Dr. Gardner engaged in the work of your church at that time?

Mr. WONG. Yes, sir.

Mr. BUSIEK. What was the cause of the separation of Dr. Gardner from your church?

Mr. WONG. While he was preaching for us in the church he was at the same time in the Immigration Service as Chinese interpreter, and general rumor has developed that he had accepted money and possibly helped along things that should not be helped, and was antagonistic to the Chinese in some way, so that they feel a man preaching the gospel and being in the Immigration Service and doing these things, it is not good to them, and for that reason they think they would be better off to have some one else, because he is going to cling to such kind of service.

Mr. BUSIEK. Was one of the reports you based your action on that Dr. Gardner was aiding in bringing in Chinese prostitutes?

Mr. WONG. That was part of the rumor for removal, that he helped or aided in the bringing in of prostitutes.

Mr. BUSIEK. Did the board finally take action which resulted in his being put out of the church?

Mr. WONG. After the rumor the brethren of the church on this side and the branch over in Oakland signed a petition to Rev. I. M. Condit, then the superintendent of the Presbyterian Mission of the Pacific Coast, requesting that he would so inform that Dr. Gardner should resign. Dr. Gardner, upon showing him these signatures of the brethren that you ought to sever your connection with the church, he refused, and shortly after that he wrote a letter and had it registered to Dr. Ng Poon Chew, stating that Dr. Ng Poon Chew was morally wrong before he married, and Dr. Chew was very indignant and put that letter to Rev. I. M. Condit; and Dr. Condit says it is about time for us to have some kind of a meeting, and he called a meeting of the different Presbyterian doctors, you know, the board persons, and finally requested him to leave the church.

Mr. BUSIEK. And that resulted in his being severed from the church?

Mr. WONG. Yes, sir; severed the connection.

Mr. BUSIEK. Now, isn't it a fact that the Chinese themselves, who knew Dr. Gardner best, were satisfied that these reports were true; that he was extorting money; and that he was engaged in assisting in the landing of Chinese prostitutes?

Mr. WONG. Although I am unfortunate that I never was involved in it so as to give you my personal knowledge, but it is the general belief and rumor of Chinese at large that Dr. Gardner is not treating his Government straight or the Chinese straight.

Mr. BUSIEK. Has Dr. Gardner had the same experience with the Methodist congregation in this city that he had with the Presbyterian after he left the Presbyterian?

Mr. WONG. I was in China during the time when he went to the Methodists and was driven out from the Methodist Church, but for what reason I do not know, but I know he entered into the Methodist Church and left the Methodist Church, undoubtedly for precisely the same reasons, but I was not here to know the exact particular cause of his removal.

Mr. BUSIEK. That is all.

Commissioner GARRETSON. That is all; thank you.

TESTIMONY OF MR. CHIN JACK.

Commissioner GARRETSON. Do you solemnly swear that the evidence which you will give in this matter now before the commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. What is your name?

Mr. CHIN. Chin Jack.

Mr. BUSIEK. Where were you born?

Mr. CHIN. China.

Mr. BUSIEK. When?

Mr. CHIN. T. G. 5.

Mr. BUSIEK. What is that according to our calendar?

Mr. CHIN. 1876.

Mr. BUSIEK. And when did you come to this country?

Mr. CHIN. K. S. 8.

Mr. BUSIEK. And what is that according to our calendar?

Mr. CHIN. 1873.

Mr. BUSIEK. Just a minute.

Mr. CHIN. I mean 1866.

Mr. BUSIEK. That is when you were born?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. And you came here in 1873?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. With your parents?

Mr. CHIN. With my father.

Mr. BUSIEK. When did you enter the Immigration Service?

Mr. CHIN. In 1904.

Mr. BUSIEK. Who examined you for the position?

Mr. CHIN. Sid Gain and Dr. Gardner.

Mr. BUSIEK. And did Dr. Gardner examine you first?

Mr. CHIN. I was in the service temporarily, and then he examined me then before giving me the regular appointment.

Mr. BUSIEK. Dr. Gardner examined you before he gave you the regular appointment?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. You have served ever since?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. Where do you live?

Mr. CHIN. 725 Stockton Street.

Mr. BUSIEK. Who else lives there?

Mr. CHIN. Nobody but my family.

Mr. BUSIEK. Does Embert Lee live there?

Mr. CHIN. Embert Lee was down there living on the lower floor.

Mr. BUSIEK. Embert Lee used to be with the service, did he not?

Mr. CHIN. I only heard about it.

Mr. BUSIEK. Well, you knew he used to be with the Immigration Department, didn't you?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. You know he was dismissed from the Immigration Department on account of dishonesty, do you not?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. And what business is he in now?

Mr. CHIN. I don't know exactly; I think he represents some Chinese case.

Mr. BUSIEK. He represents Chinese in immigration cases, does he not?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. Are you and Lee pretty friendly?

Mr. CHIN. No, sir.

Mr. BUSIEK. Isn't it a fact you and he visit back and forth together and are seen considerably on the streets of Chinatown together?

Mr. CHIN. No, sir.

Mr. BUSIEK. That is not a fact?

Mr. CHIN. No, sir.

Mr. BUSIEK. Have you any other business or do you do any other work besides working for the Government?

Mr. CHIN. No, sir; I have some business interests; that is all.

Mr. BUSIEK. Have you any business interest in the Eye Yit Gar Co.?

Mr. CHIN. No, sir.

Mr. BUSIEK. At 820 Washington Street, in Oakland?

Mr. CHIN. No, sir.

Mr. BUSIEK. What company is that?

Mr. CHIN. I have some business interest with Wing Chong & Co., 115 Waverly Place.

Mr. BUSIEK. What kind of concern is that?

Mr. CHIN. That is a wholesale liquor house.

Mr. BUSIEK. How much of an interest have you in that place?

Mr. CHIN. Only have a small interest—\$500.

Mr. BUSIEK. Five hundred dollars?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. Have you any other business interest?

Mr. CHIN. Yes, sir; I have some business interest in Seattle.

Mr. BUSIEK. What are those?

Mr. CHIN. General merchandise.

Mr. BUSIEK. What concern?

Mr. CHIN. What is it?

Mr. BUSIEK. What is the name of your firm?

Mr. CHIN. Rice and tea.

Mr. BUSIEK. The name of the firm?

Mr. CHIN. Quong Tuck Co.

Mr. BUSIEK. Quong Tuck Co.?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. How much interest have you in that concern?

Mr. CHIN. My father's interest—about \$500—is turned over to my brother now.

Mr. BUSIEK. You say your father's interest was \$500, and that was turned over to your brother?

Mr. CHIN. Five years ago it was under my name, but now it is under my brother's name. He has grown of age now.

Mr. BUSIEK. Your father is old?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. You say the interest now appears in your brother's name—your interest?

Mr. CHIN. During the last 10 years under my name. Five years ago under my brother's name.

Mr. BUSIEK. I don't understand that. You say during the last 10 years it is under your name?

Mr. CHIN. It is already 15 years. Ten years under my name and five years under his name.

Mr. BUSIEK. Have you an actual interest in that business, no matter whose name it is in? Have you still got an interest in that company?

Mr. CHIN. Not since I left Seattle to San Francisco.

Mr. BUSIEK. You don't draw any dividends out of it?

Mr. CHIN. No, sir.

Mr. BUSIEK. You have no money coming from it?

Mr. CHIN. No, sir.

Mr. BUSIEK. Where is that concern located?

Mr. CHIN. 808 Washington Street, Seattle.

Mr. BUSIEK. Have you any other business interest?

Mr. CHIN. Yes, sir; I have some. I have \$500 on Quong Hop Sing, 1151 Grant Avenue, San Francisco.

Mr. BUSIEK. What is the business of Quong Hop Sing Co.?

Mr. CHIN. That is an American grocery.

Mr. BUSIEK. That is an American grocery?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. What other business interest have you?

Mr. CHIN. That is all.

Mr. BUSIEK. Haven't you got an interest in the Ti Loy Co., of Oakland?

Mr. CHIN. No, sir. Some time I have \$1,000 interest, but I sold out three years ago.

Mr. BUSIEK. Isn't it a fact you have told members on—I will ask you first whether or not you have not now an interest in a Chinese lottery or lotteries?

Mr. CHIN. Not at the present time.

Mr. BUSIEK. Wasn't you treasurer of the Eye Yit Gar Co. at 820 Washington Street, Oakland?

Mr. CHIN. No, sir.

Mr. BUSIEK. You mean to say you never heard of that company?

Mr. CHIN. I heard about it.

Mr. BUSIEK. Do you know what it is?

Mr. CHIN. I know what it is.

Mr. BUSIEK. Have you ever been in the premises there?

Mr. CHIN. No, sir.

Mr. BUSIEK. You don't know who runs it?

Mr. CHIN. I know who runs it.

Mr. BUSIEK. Who runs it?

Mr. CHIN. Chin Yun Yee.

Mr. BUSIEK. You never had any talk with him about that business?

Mr. CHIN. No, sir.

Mr. BUSIEK. You never had anything to do with it at all?

Mr. CHIN. No, sir.

Mr. BUSIEK. The only lottery you ever had anything to do with was the Ti Loy lottery?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. And that was three years ago?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. And you never had any interest in any lottery since?

Mr. CHIN. Not any since.

Mr. BUSIEK. How much did you sell your interest for?

Mr. CHIN. I sold for \$1,600.

Mr. BUSIEK. You paid \$1,000?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. Isn't it a fact you have admitted to officers over at the immigration station within the last year that you are still interested in a lottery?

Mr. CHIN. No, sir; not since during the last year. I sold out May 10, 1912.

Mr. BUSIEK. What is your salary as interpreter?

Mr. CHIN. One hundred dollars a month.

Mr. BUSIEK. How much of a family have you got?

Mr. CHIN. Only myself, wife, and son.

Mr. BUSIEK. How old is your son?

Mr. CHIN. My son is 15.

Mr. BUSIEK. Have you any property?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. Where?

Mr. CHIN. In Seattle.

Mr. BUSIEK. How much is that property worth?

Mr. CHIN. I take in there \$30 a month.

Mr. BUSIEK. When did you buy that property?

Mr. CHIN. I buy that in 19—1897. I foreclosed the mortgage.

Mr. BUSIEK. How much of a mortgage did you have?

Mr. CHIN. Twenty-six hundred dollars.

Mr. BUSIEK. Yes.

Commissioner O'CONNELL. How much cash did you put in?

Mr. BUSIEK. What?

Commissioner O'CONNELL. How much cash did you put in?

Mr. BUSIEK. How much?

Mr. CHIN. Twenty-six hundred dollar mortgage and cash.

Commissioner O'CONNELL. Twenty-six hundred dollar mortgage and cash. How much money did you put with the mortgage to buy it?

Mr. BUSIEK. No; he foreclosed the mortgage. He had a \$2,600 mortgage.

Commissioner O'CONNELL. Oh, he had a mortgage on it.

Mr. BUSIEK. Yes.

Mr. CHIN. Yes.

Commissioner O'CONNELL. He foreclosed the mortgage.

Mr. BUSIEK. Mr. Chin Jack——

Mr. CHIN. Yes, sir.

Mr. BUSIEK. Have you ever heard the rumor around Chinatown that certain officials in the immigration department, Chinese inspectors, received money for the landing of Chinese?

Mr. CHIN. No, sir.

Mr. BUSIEK. You have never heard that rumor?

Mr. CHIN. No, sir.

Mr. BUSIEK. You have never heard anyone's name connected with it?

Mr. CHIN. No, sir.

Mr. BUSIEK. You haven't even heard that there were any investigations on foot in regard to that?

Mr. CHIN. No, sir.

Mr. BUSIEK. You never testified in regard to any Chinese interpreter out there?

Mr. CHIN. No, sir.

Mr. BUSIEK. Never been consulted by Mr. Edsell?

Mr. CHIN. No, sir.

Mr. BUSIEK. In regard to Dr. Gardner, for instance?

Mr. CHIN. No, sir.

Mr. BUSIEK. And you never knew until I told you right now that any Chinese interpreter was ever suspected of receiving money out of that?

Mr. CHIN. I had never heard anything until to-day, what you asking me about.

Mr. BUSIEK. And who did you hear that from?

Mr. CHIN. I never heard anything before until you asked me.

Mr. BUSIEK. Until I asked you that question?

Mr. CHIN. Yes, sir.

Mr. BUSIEK. There is no general talk about that kind of stuff down in Chinatown, is there?

Mr. CHIN. No, sir.

Mr. BUSIEK. None at all.

I believe that is all.

Commissioner GARRETSON. That is all.

Mr. CHIN. Thank you.

TESTIMONY OF MR. WILLIAM H. CHADNEY.

Mr. BUSIEK. Please be sworn.

Commissioner GARRETSON. Do you solemnly swear that the evidence which you give in this matter now before the commission shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHADNEY. I do.

Mr. BUSIEK. Please state your name in full, Mr. Chadney. Just be seated.

Mr. CHADNEY. William H. Chadney.

Mr. BUSIEK. And what is your position?

Mr. CHADNEY. Immigrant inspector.

Mr. BUSIEK. Where?

Mr. CHADNEY. The station is Monterey.

Mr. BUSIEK. Under the Los Angeles jurisdiction?

Mr. CHADNEY. No, sir; there has been a new arrangement.

Mr. BUSIEK. I mean under the San Francisco?

Mr. CHADNEY. No, sir; under Mr. Taylor.

Mr. BUSIEK. I see.

Mr. CHADNEY. Rather a special commission.

Mr. BUSIEK. How long has that been in existence?

Mr. CHADNEY. Since April of this year.

Mr. BUSIEK. And is Monterey in the—ordinarily was Monterey in the San Francisco district?

Mr. CHADNEY. Yes.

Mr. BUSIEK. How long have you been with the Government, Mr. Chadney?

Mr. CHADNEY. About seven years.

Mr. BUSIEK. Then you have been engaged in Chinese work during that time?

Mr. CHADNEY. Yes.

Mr. BUSIEK. Mr. Chadney, just give the commission some idea of the smuggling that goes on by boat.

Mr. CHADNEY. There is approximately 50 Chinamen a month brought in from Ensenano into the southern district by boat and then transported north by automobile and wagon.

Commissioner GARRETSON. Right there let me ask a question that has never been touched on here, at least, while I was present: Is there any of that done on the gulf?

Mr. CHADNEY. The Gulf of California?

Commissioner GARRETSON. Yes.

Mr. CHADNEY. No, sir; we have no record of that down that far.

Commissioner GARRETSON. That is all. Go ahead.

Mr. CHADNEY. Just recently since the trouble with Mexico there has not been the influx of Chinese that we had before. The Chinese previous to that time used to come by steamer to Mazatlan or some other port below, and then come up by coastwise steamer to Ensenano and wait there until proper arrangements had been made by them with their cousins or friends in the United States. The Chinaman in Mexico—wants to be secured before he allows the men to come north. He has to pay a certain amount of the expense before they start, and the stores interested must secure him against any loss by being caught, and so forth. We had an instance here not so long ago, they captured the *Calipso*, quite a large boat, brought up 16 Chinamen and 68 cans of opium. He caught the men, but we didn't get the Chinamen or the opium, on account of not

having proper facilities. But the Chinamen coming here now are principally those who went through the United States in transit to Mexico by way of Mexicali. They have become tired of working down there and are working over toward Ensenano and then coming north.

Commissioner GARRETSON. What is the exact mileage from Ensenano to the border?

Mr. CHADNEY. To the border, 90 miles, and it is a much quicker trip and much safer trip by launch than it is overland. There are so many people looking for Chinamen coming overland, and it is a long, dreary trip from Calexico to any large city in the northern part of the country.

Mr. BUSIEK. How did these Chinese happen to get away from the *Calipso*?

Mr. CHADNEY. The deal, or scheme, as you might call it, had been started in southern California. I was attempting to operate with other inspectors in the southern district in the capture of the *Calipso*, which was to make a landing at Moss Landing. Moss Landing is about 14 miles north of Monterey proper. So I got a launch and another inspector and went to Moss Landing and anchored there for two or three nights—the 15th, 16th, and 17th of January of this year. The *Calipso* came up, but could not make a landing on account of the heavy water; the water was breaking right over the pier, so I afterwards learned from these smugglers themselves, that the Chinamen in charge of the party told them to make a landing in Monterey. "We can't stay here all night; we will be found out at daylight." They went to Monterey, landed, and they telephoned to Watsonville for an automobile, and they came down and took the party away.

On account of the weather I decided to leave Moss Landing about 2 o'clock in the morning and come to Monterey, and when I got there the *Calipso* was there at anchor. I took the *Calipso* and the smugglers—seized them—and then started to search for the contraband that had been landed. We were successful in arresting but four, I believe, of the contraband Chinese that came in on the *Calipso*. But we did not get any of the opium, and we did not get all of the smugglers. One of the men, Mr. Fox, got away, and we have not yet located him. Neither have we found the Chinaman who was in charge of the deal. He refused to pay the smugglers or to pay anybody for the trouble. He took the opium and went away, and it is presumed he has gone back to China.

Mr. BUSIEK. Were any of the Government people in on that deal?

Mr. CHADNEY. The southern district have in the past issued 90-day appointments, or at least have been responsible for 90-day propositions. Men will come to an inspector in charge there and give certain information regarding smugglers, and if they think if he is of any value at all they will hire him for 90 days, at approximately \$3 a day. If he gets results within that time, why, all right. If he doesn't, why, he is discharged. On the trip an ex-smuggler by the name of David Main was with the party when we arrested them.

Mr. BUSIEK. He helped out the whole deal, did he?

Mr. CHADNEY. Yes; he was one of the prime movers.

Commissioner GARRETSON. In fact he was one of the framers?

Mr. CHADNEY. Yes; to the best of my knowledge, he was.

Mr. BUSIEK. Did David Main help you apprehend or make any effort to apprehend these contraband who had escaped?

Mr. CHADNEY. No. He submitted to arrest. That is all.

Mr. BUSIEK. Is it not a fact that while you were waiting for the *Calipso* to come up that the same crowd that David Main was in actually did land another bunch?

Mr. CHADNEY. That is what I understand.

Mr. BUSIEK. Some 20?

Mr. CHADNEY. About 20 men—20 Chinese were landed.

Mr. BUSIEK. They were not caught?

Mr. CHADNEY. No, sir.

Mr. BUSIEK. Who is responsible for this arrangement of hiring smugglers to help in these transactions?

Mr. CHADNEY. Well, Mr. Taylor is in charge of the smuggling work; he has direct charge now.

Commissioner GARRETSON. Is he the originator of the 90-day idea, so far as you know?

Mr. CHADNEY. So far as I know, yes.

Mr. BUSIEK. How does the record of captures made by you since Taylor has taken charge compare with the record for a like period of time before?

Mr. CHADNEY. On this coast you mean, north of Monterey, in this jurisdiction?

Mr. BUSIEK. Yes.

Mr. CHADNEY. There has not been a capture in the northern district since Mr. Taylor took charge, and there has not been a capture of contraband Chinese in the southern district by water since Mr. Taylor took charge; but the——

Mr. BUSIEK. The Chinese that have been captured since Mr. Taylor took charge are part of a crowd that were landed at San Francisco here and allowed to go by rail to Mexico under arrangement with the Pacific Mail?

Mr. CHADNEY. Yes, sir.

Mr. BUSIEK. And then attempted to return to this country overland; is that true?

Mr. CHADNEY. Yes, sir; Mr. Busiek.

Mr. BUSIEK. The southern district has made quite a record of captures of that bunch, hasn't it?

Mr. CHADNEY. Yes, sir. Now, I would like to explain that proposition a little if you will allow me.

Mr. BUSIEK. Certainly.

Mr. CHADNEY. I have accompanied a party of the men who were sent down—Chinamen who were sent down to Mexicali on one trip representing the Government—and the Chinese, after they got down to Mexicali, were not received as they thought they should have been. And quite a number of them turned around and came back; that is, they came across the line with their trunks and their blankets.

Commissioner GARRETSON. Openly?

Mr. CHADNEY. Came right across the line, and we have, as our records will show—had to have special arrangements for their baggage. They brought their trunks and their blankets back with them that they took down south. So I wouldn't attribute that as being much of a capture.

Commissioner GARRETSON. You wouldn't think it would take a very artistic sleuth to get them?

Mr. CHADNEY. No, sir; not after the experience I had along the border.

Commissioner GARRETSON. Mexicali is just below San Diego, isn't it?

Mr. CHADNEY. No, sir; it is directly across from Calexico, just a small river dividing; a creek.

Mr. BUSIEK. What methods are you now pursuing, under Mr. Taylor's direction, looking toward the capture of contraband Chinese, what is the system or method?

Mr. CHADNEY. The system is to act upon information furnished wherever we might secure it, however we may secure it.

Mr. BUSIEK. Hasn't there been a remarkable growth of working in connection with stool pigeons?

Mr. CHADNEY. Most of our information comes that way.

Mr. BUSIEK. Since Mr. Taylor took charge, has there or has there not been a growth of the practice of Government employees insinuating themselves into the confidences of smugglers, and Government employees who were ex-smugglers, and men who formerly bore bad characters, and intrusting to them to furnish you the information?

Mr. CHADNEY. That is our principal source of information, from men of that character.

Commissioner GARRETSON. Has it grown since Taylor's administration more than it had before?

Mr. CHADNEY. Well, Mr. Taylor has had charge of the smuggling operations for some time, some two or three years.

Commissioner GARRETSON. Does your experience go back of Mr. Taylor's day?

Mr. CHADNEY. Yes, sir.

Commissioner GARRETSON. Since he has dominated it, then, whether actual control or otherwise, has it grown in that time to a greater degree than it existed prior to that time?

Mr. CHADNEY. It has; yes, sir.

Mr. BUSIEK. Are the present methods as effective as those used prior?

Mr. CHADNEY. No, sir.

Mr. BUSIEK. Explain the system that you used to use.

Mr. CHADNEY. We would patrol the border and watch the trails out of Mexico, two different points of Mexico. I was formerly stationed at Tia Juana with Mr. Conkling, and we would patrol the border, watch for the different crowds to pass. We would get information a party had started, and it was up to us, then, to get them and get the smugglers, and that meant a lot of night

riding. The class of smugglers that we caught there were men that were heartless. They would kill you on sight. They would get away with you if they possibly could. I don't say this in any boastful spirit, but I speak from practical experience. I found that night riding and stern methods with smugglers, that is, treating them as they would treat us, did more to stop smuggling than anything else before or since.

Commissioner GARRETSON. How far is Tia Juana from the border; is it actually on the line?

Mr. CHADNEY. Right on the line.

Commissioner GARRETSON. I thought it was. How far is Calexico and the other town opposite?

Mr. CHADNEY. Directly across, just a small street dividing the two. The Department of Labor instructed me to submit a plan of operation to more successfully handle this smuggling of Chinese in this district. And I submitted a plan, which was to disregard all information that we might get from any source, as we had been getting in the past from smugglers, to ignore them entirely and to form an arresting crew composed of an inspector, interpreter, stenographer, and watchman. And to go to places where there were a number of Chinese employer, say different canneries and different potato fields, and ask the Chinamen to produce their documentary evidence of right to be in the United States. Those that could not produce would be given an examination. Upon the outcome of the examination we would arrest or not as we saw fit. For instance, if a man had been here 10 years, had no papers, that case would be passed up, and as long as we had men who had just come from Mexico, the young men who could not show any papers of any kind. But no action has been taken on that matter. But the principal place the Chinese try to get is as far as San Francisco. They come in here and this seems to be their mecca. But no effort has ever been made in the northern district of California to apprehend contraband Chinese. What I mean by contraband Chinese are persons who are here illegally.

Mr. BUSIEK. Have you always worked along the southern border?

Mr. CHADNEY. Until about three years ago; yes, sir.

Mr. BUSIEK. And then you moved up here?

Mr. CHADNEY. I was transferred to San Francisco.

Mr. BUSIEK. You have never worked along the Canadian border?

Mr. CHADNEY. No, sir.

Mr. BUSIEK. Mr. Chadney, aren't you working on a case right now in connection with the San Francisco office to detect a party of about 20 Chinese who are supposed to come in here?

Mr. CHADNEY. Yes, sir.

Mr. BUSIEK. Just give the commission the plan of that that you are working on.

Mr. CHADNEY. At Monterey a certain policeman with whom I am quite friendly came to me and said that a chauffeur had given him certain Chinese letters and had asked him to keep those letters and give them to the Chinaman whom he would meet at Gaivota, where this chauffeur was to go and get a party of Chinese who would be landed there by boat. So I brought—at least I mailed these two letters to Dr. Gardner, who is our official interpreter. I prefer Dr. Gardner's translation to any of the other interpreters. I think he is the most competent officer there and the most faithful, and there is no leaking, one thing that we have to guard against. And these letters, by the way, I have a translation right here.

Mr. BUSIEK. Just give the general purport.

Mr. CHADNEY. I will just give the note, it is a little note that a man was to give to the Chinaman at Ensenano to know that he is O. K. They are very, very short, Mr. Busiek.

Mr. BUSIEK. All right.

Mr. CHADNEY. This is a Chinese letter translated by Chinese Inspector and Interpreter John E. Gardner at the request of myself:

Mr. TAM TSUN KWING.

DEAR SIR: The 34 sticks sent up are already all right. As previously set forth clearly. Now, 7 more sticks are desired as follows: Lum Ying Mo (?), Lum Duck Yung, Lum Shew Yow, Lum Shin Ying, Chin Dai Mu, Ng Yu Jee (?), Lau Wun. These, with the former ones, make 21 sticks. Please let that party bring them along. Don't have any doubts or misgiving. The rest of them are set forth in the letter. On the next occasion, when mistakes are well ascertained, will put it through again.

The Los Angeles goods will have to wait until the next occasion, also. Please bear that in mind, and it will be all right.

The compensation for you and others will be sent as per account without fail. It will be just as you say.

Respectfully,

AH CHEE YIP, *Wong Yun Shan*.

JULY 28.

This is the translation of one of the letters as it was given to me by the policeman.

Then I followed Mr. McFadden. Mr. McFadden was the name of the chauffeur in this case, and asked him to cooperate with me in arresting the Chinese: "You have shown your good faith in giving this letter to this police officer. The police officer gave it to me." And he said he would be glad to help me. And I then advised him to go to San Francisco and see what could be done, which he did. He came up to San Francisco, and then I asked the San Francisco office to detail an inspector to watch him to see where he went; that is, into what stores he went, and to see who he was stopping with. The inspector met the Chinaman who had given McFadden the letter in the first instance, and he was introduced by McFadden to this Chinaman as a man who had another automobile, and who would help in bringing the Chinese from Galvota. Then, of course, the Chinaman unburdened himself and told the whole arrangement. But there was some hitch in the money matters and the deal has not as yet gone through, and I am under the impression it won't go through now under the original arrangement, because it has dragged along too long.

Commissioner GARRETSON. Bets are off.

Mr. CHADNEY. This deal is lost. But the fact that those men have been guaranteed means that they are here, that they will be here, and if they don't come that route they will come another. The store is putting up the money, at least guaranteeing the money, don't care which party handles them, they want the men here, and they will get them, and give any amount necessary to get them here.

Mr. BUSIEK. What is the current price for smuggling in a Chinaman?

Mr. CHADNEY. Two hundred and fifty dollars now; that is, to land them in San Francisco, per head. Each boat will bring about an average of 25, not more. Sometimes they make a larger load, but very seldom. The trip can be made in about six days back and forth.

Commissioner GARRETSON. I want to ask one question. I do not know whether it is something you are dodging or whether—I don't mean you [Mr. Chadney] dodging, but I mean the investigator. I have not heard it asked here from anybody. Are the Chinese Six Companies, or any one of them connected with the smuggling of Chinese, or is it private enterprise for gain only, in your opinion?

Mr. CHADNEY. The individuals of the Six Companies might be interested, but not the Six Companies as a body.

Commissioner GARRETSON. What brought that to my mind was some occurrences, some testimony that has been given here, not in response to a question of that kind at all, but I wanted to know myself what the attitude of the companies was toward that question as a body, or of its component parts.

Mr. CHADNEY. Yes.

Commissioner GARRETSON. That is all.

Mr. BUSIEK. Just this question.

Commissioner GARRETSON. One minute.

Mr. BUSIEK. From your experience with the Six Companies, is it or is it not your impression that the Six Companies itself as an organization tries to keep its hands clean in all transactions with the Government?

Mr. CHADNEY. With the Federal Government, yes; but not with Highbinders' affairs. That is a different matter again.

Commissioner GARRETSON. You mean that their attitude toward questions of national law as affecting the interrelation of the Chinese and the Americans, they try to keep their hands clean, but they are nothing for the criminal code?

Mr. CHADNEY. That is the idea, yes; that is right.

Commissioner GARRETSON. That is all, thank you.

Mr. BUSIEK. That is all.

Commissioner GARRETSON. The commission will stand adjourned.

(And thereupon, at 4.30 o'clock p. m. Saturday, September 5, 1914, the hearings of the commission in San Francisco were adjourned.)

EXHIBITS.

EDSELL EXHIBIT.

Applications for return certificates.

1911-12.

	Number.	Granted.	Denied.	Applica- tion sus- tained.	Applica- tion dis- missed.	Pending and with- drawn.
Natives.....	884	748	58	6	18	78
Exempts.....	756	627	41	7	8	88
Laborers.....	341	312	10	.....	1	19
Total.....	1,981	1,687	109	13	27	185

1912-13.

	Number.	Granted.	Denied.	Applica- tion sus- tained.	Applica- tion dis- missed.	Finally granted.	Finally refused.
Natives.....	922	871	51	4	18	875	47
Exempts.....	777	740	37	2	8	742	35
Laborers.....	350	346	4	.....	.....	346	4
Total.....	2,049	1,957	92	6	26	1,963	86

1913-14.

Natives.....	1,025	951	53	6	23	957	68
Exempts.....	871	819	37	2	14	821	50
Laborers.....	272	269	3	.....	.....	269	3
Total.....	2,168	2,168	93	8	37	2,047	121

	1911-12	1912-13	1913-14
Total number of Chinese applications for admission.....	3,624	3,550	3,832
Students:			
Admitted.....	321	201	245
Rejected.....	24	6	3
Returning merchants:			
Admitted.....	858	708	645
Rejected.....	20	13	14
Section 6 merchants:			
Admitted.....	119	81	121
Rejected.....	4	17	3
Merchants' wives:			
Admitted.....	61	84	73
Rejected.....	4	2	6
Merchants' children:			
Admitted.....	413	540	647
Rejected.....	79	66	89
Wives of natives:			
Admitted.....	62	80	79
Rejected.....	6	7	4
Children of natives:			
Admitted.....	287	527	608
Rejected.....	68	80	89
Total:			
Admitted.....	2,121	2,221	2,508
Rejected.....	205	191	208
ARRESTS.			
Before commissioner.....	57	44	9
Departmental warrant.....	52	80	23
DEPORTATIONS.			
Commissioner.....	36	28	8
Departmental warrant.....	25	45	12

THE COLORADO COAL MINERS' STRIKE

(For exhibits under this subject, see Volume VIII, pages 7241 to 7425.)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, *Wednesday, May 27, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners O'Connell, Lennon, Harriman, Ballard, and Garretson.

Chairman WALSH. The commission will please be in order.

Mr. THOMPSON. Is Mr. Taggart here?

Mrs. MALINDA SCOTT. Mr. Chairman, we hear a great deal about the war in Colorado, but we can not get the true reports in the newspapers. We have here two of the miners' wives, who have come straight from Ludlow; and I would ask your permission to give them a hearing just now, as they have to leave for Boston at noon. Would you please hear them?

Commissioner HARRIMAN. Mr. Chairman, haven't we already adopted a resolution that we would investigate conditions in Colorado, and we are going there.

Chairman WALSH. Yes.

Commissioner HARRIMAN. Wouldn't it be a better chance to get first-hand information to hear these ladies? I think, as representing the women and children of the country on this commission, I would like these women to have an opportunity for a hearing.

Chairman WALSH. Of course we passed a resolution at the inception of our work setting out the mining industries of the United States as one of the subjects of inquiry. I had supposed that we would not go into the mining question until we got to Denver, but I am willing to take the wish of the commission upon it.

Commissioner HARRIMAN. Mr. Chairman, I would like to direct your attention to the fact that I have a telegram from Miss Jane Addams saying that these ladies were going to Washington, and asking if the commission would give them a hearing; and that was—I didn't know they were coming to New York at all, so I did not say anything to you about it.

Commissioner GARRETSON. Mr. Chairman, I move that we give them a hearing.

Chairman WALSH. Mr. Garretson moves that we give these ladies a hearing. Is there a second?

Commissioner BALLARD. I second the motion.

Chairman WALSH. It has been moved and seconded that we hear these ladies this morning—that they be given a hearing out of the regular order, on the mining branch of our inquiry. All in favor of that signify by saying "aye"; contrary "no." The ayes have it.

Chairman WALSH. Now, you have heard the statement, Mr. Thompson, with reference to the necessity of these ladies getting away. Can you so arrange your program that we can hear them right now?

Mr. THOMPSON. I think Mr. Taggart will give way. Are you willing to, Mr. Taggart?

Mr. TAGGART. Yes, sir.

Mr. THOMPSON. I think we can very well hear them now. There are a number of our witnesses here that I think should be cautioned to remain.

Chairman WALSH. All witnesses on the regular program will please remain in attendance. We will take the other matter up as soon as we dispose of this.

Mr. THOMPSON. Mr. Stenographer, I wish you would give this a separate caption from the rest of our hearing—write it up in that way. We don't want to get it interlarded with the hearing on the subject of building trades.

The REPORTER. Under what heading?

Chairman WALSH. Heading, "The Colorado coal miners' strike."

TESTIMONY OF MRS. PEARL JOLLY.

Mr. THOMPSON. Will you please give us your name?

Mrs. JOLLY. Mrs. Pearl Jolly.

Mr. THOMPSON. Where do you reside?

Mrs. JOLLY. At Ludlow, Colo.

Mr. THOMPSON. And are you married, of course?

Mrs. JOLLY. Yes, sir.

Mr. THOMPSON. Your husband living?

Mrs. JOLLY. Yes, sir.

Mr. THOMPSON. A miner?

Mrs. JOLLY. Yes, sir.

Mr. THOMPSON. What is your age?

Mrs. JOLLY. Twenty-one.

Mr. THOMPSON. Have you any children?

Mrs. JOLLY. No, sir.

Mr. THOMPSON. How long have you been married?

Mrs. JOLLY. Just a year.

Mr. THOMPSON. Where did you live before you went to Ludlow?

Mrs. JOLLY. Well, I have spent my life in Colorado. Just before I went to Ludlow I left the Minnequah Hospital. I was there as a nurse.

Mr. THOMPSON. Where were you born?

Mrs. JOLLY. I was born in Crested Butte, Gunnison County, Colo.

Mr. THOMPSON. How long has your husband been a miner?

Mrs. JOLLY. I could not tell you just how long; but he has been a miner ever since I have known him, and I have known him for two years.

Mr. THOMPSON. Has he always worked in Colorado as a miner?

Mrs. JOLLY. My husband was born in Scotland.

Mr. THOMPSON. In Scotland?

Mrs. JOLLY. Yes, sir; but came to the United States when he was just a little baby, and has been in Colorado for about——

Mr. THOMPSON. How old a man is he now?

Mrs. JOLLY. Twenty-two.

Mr. THOMPSON. You may proceed with your story.

Mrs. JOLLY. I want to take up just as little time as I can, so I will tell this story of the strike.

Chairman WALSH. Tell it in your own way, taking up as little time, but giving all the details that you think are pertinent.

Mrs. JOLLY. Yes, sir. Well, a week previous to the strike my husband went to Trinidad to do a little shopping down there. When he came back from Trinidad he put on his clothes and went to the mine on the following morning. They asked him where he had been. He told them to Trinidad.

Chairman WALSH. Who asked him?

Mrs. JOLLY. The superintendent. They wanted to know what his business was in Trinidad. He told them he was down there on private business. They asked him if he was a delegate to the convention at Trinidad that the United Mine Workers had held before there. He said no. They told him that they did not need him there any more; that he was to get out of camp. I think it was 15 minutes that they gave him to move his furniture and everything and get out of camp. He moved. I went down to a farmhouse below and spent the week there, until the Ludlow tent colony. On the 23d day of September the strike was called and we all moved into the tent colony. From my first experience in the Ludlow tent colony the gunmen would come there and would try in every way to provoke trouble. They were trying to cause a battle between the miners and the gunmen, but we knew that and we did not want to have any trouble. At one time the gunmen came to the Ludlow tent colony, just as near as they could get, fired two shots into the tent colony. Our men took their rifles and went to the hills, thinking that by so doing they would lead the fire that way and keep them from firing on the colony, where the women and children were. There was no way to protect the women and children. After that our men took and dug pits under the tents, so that if the same thing should happen again there would be some means of escape for those women and children. Following that, the militia came into the field. When the militia came in there we made them welcome; we thought they were going to treat us right. They were escorted into the camp with a brass band. They attended all of our dances. They came down and took dinner with us two or three different evenings, but when they were in there two or three days they turned, and we could see that, but we did not want to have any trouble with them. One of the women, I believe, told them that they could not be on two sides at once. So following that they would come into our tent colony and searched about once a week or more. When they came there our arms were all turned over to the militia.

Chairman WALSH. What is that?

Mrs. JOLLY. Our arms and ammunition. They told us they would disarm the others, but instead they took the arms and ammunition that the strikers had and turned them over to the mine guards. Then we were searched; our tent colony was searched about once a week or more. When they came they would bring axes, picks, shovels, and such things with them. They would search in all the little drawers about this big [indicating], looking for things. Anything they could get hold of to carry away without being seen they would take it. They would take the axes and cut up the floors so that the union would have to buy new lumber in order to rebuild the floors. Our men had to stand for that.

Finally it got so that every one of the women who went out of the grounds they would meet with insults, abuse, called vile names, anything that was possible. One time myself and three or four different women started for the post office one Sunday morning. When we got about half way there a detail got up in front of us and fixed their bayonets and their guns and told us we couldn't go any farther. I asked them why. They told me not to ask any questions, using profane language when they were telling me this. Not to ask any questions or they would shoot my head off. We turned and went back to the tent colony. That afternoon we went to the post office. While we were there they went to search the Ludlow tent colony. This happened in December, in real cold weather, snowing at the time. One of the women with us had a baby six months old in her arms. When we started back they would not let us go into the homes. I don't know why. They were already in the camp searching. They told us we could not go in there. They put a detail in front of us and kept us out in the field in the snow. The baby was screaming, it was so cold. She told them she was going in her house anyway, and had her baby in her arms, going in and warm her baby, that she would not keep them out and let them freeze to death. One man held a revolver right on her and hit her and told her to move another step and he would shoot her. Following that every man who would go out of the boundary line from Ludlow tent colony, they would come back with black eyes. They were beaten up. Threatened if they went back to work they would be all right, but if they did not they would be beat up.

On April 19 we had a baseball game. The militia had always been in the habit of attending the baseball games, but never before had they attended with their rifles. On April 9 was a Greek holiday, Sunday, and they thought perhaps that they would be drinking, and those men, if they were to go down there with their rifles, would be able to stir up some trouble. They stood right in the diamond with their rifles. One of the men asked them if they would please get out of the diamond. He told them if he wanted to watch the baseball game it was not necessary to guard them, to put their guns to their side. They became indignant and made their threats what they could do and what they would not do. One of the women said to them, in a joke, "Don't you know if a woman would start toward you with a BB gun you would all throw away your guns and run." He says, "That is all right, girlie, you have your big Sunday to-day, but we will have the roast to-morrow. It would only take me and three or four men out there to clean out all the bunch"; and they cleaned out the bunch on the following day. They tried every way they could before they left the baseball ground to create trouble. They would call the different players and want them to come over and talk and when they refused they said, "Come on, we will take you to the guardhouse and talk to you." They left the baseball game. Sunday night they came into the tent colony, but they would not go up to speak to any of our leaders in the camp at all. When the leaders would start toward them they would go right away, so they concluded they were trying to blow up the camp. They had made their threat and told about how they had previously torn down the Forbes tent colony.

They put guards in our camps Sunday night to take care of the camp, but nothing happened. On the following Monday morning, about 9 o'clock, the same five militiamen who had been at the baseball game on Sunday came to the Ludlow grounds. They had a paper and they sent in for Louis Tikas, a Greek and the leader; they handed him this slip of paper, and it had some foreign name on it of some man that was not in the tent colony. They told him they wanted to take the man out of the colony; they asked him if they had a warrant or had been sent there by the civil authorities. They said no, they had been sent there by the military authorities. They said, "I understand the military commission is out now." He says, "I would like to talk to Manager Hemrock," who was in command. So they left the Ludlow tent colony with

a threat that they would be back again. When they met Louis Tikas they went and called up Manager Henrock and asked him if he would see him and talk to him. He said he would. They met at the C. & S. depot. I don't know what the conversation was at the depot, but I know when Louis Pikas came back he told us the machine guns and everything were set ready to wipe the tent colony. The next thing we observed was Louis Tikas coming from the depot waving a white handkerchief. There was about 200 tents in the tent colony and about 1,000 inhabitants, about 500 women and 500 children. We were all in front in large groups. He was waving this white handkerchief, I suppose, for us to get back. While he was running toward us and waving the white handkerchief they fired two bombs. Following that they turned the machine gun into the tent colony and started to firing with rifles. Our men decided if they would take the hills, take their rifles and go into the hills, that they would lead fire from the tent colony into the hills and thus protect the women and children in the tent colony. There was just 40 rifles in the Ludlow camp. They will tell you there was 500 or so. There was 40 in there, and I would swear to that before any jury in the United States. The men who had rifles went to the hills, and the others, too, so that there would not be any men in the camp, thinking in that way they would attract the fire away from the women and children. Then if no men were there they would not fire. They did not follow the men into the hills; they were too cowardly; they wanted to fight with the women. They kept the machine guns turned on the camp all day, more or less. The women and children, too, could run out of the camp, but there were so many women there expecting to become mothers, and also many that had such a large family of small children that they could not possibly get out. I had been the nurse in the tent colony. Louis Pikas came to me and told me if I was not afraid he wanted me to stay in the camp and take care of the wounded and the women and children.

When they kept continually shooting into the camp the women asked me to put a white dress on with red crosses. I was afraid to do it, but I did it and went out to the front and pinned a red cross on each arm and one on my chest; they could not help but see it. When I got out there they took it for to be a good target and shot at me as hard as they could. I started to run for protection, and one of the bullets took the heel off my shoe. I thought at first it had shot my foot off. A little while later I went into my tent. There was four men in the tent—Louis Tikas and three others. Those were laying on the ground and had slipped in the tent and taken the telephone out through and had it on the ground and were sending messages to Trinidad, trying to get help, reinforcements. They asked if I would stay in my tent and make some sandwiches. The firing was all coming from this way. Just opposite the door I had a dresser with a large mirror on it, and I think they could see my reflection in the mirror going into the kitchen. They opened fire on the tent and they were pretty good marksmen, because pretty near every time they hit the works. Soon I lay on the floor, supposing that they would think I was dead and quit shooting. When I finished my sandwiches and started to give them to the men they saw me again and started shooting at the tent next door. The men said, "For God's sake, stay away from here; you are a hoodoo." They thought it would be better if I would go home and take off the red crosses, because they could see me better.

Another time that day there was a wounded man in the camp, and I was trying to get to the dispensary to get some dressing for him. I couldn't get there at first, because the bullets were coming in there like hail. The second time they decided that if Louis Tikas would go with me and unlock the door quick I could get in there quick. He went out, and they saw us when we got about half way and opened fire. There was a small coal pile there, but that was no protection for even one man, but we both dodged behind it. We lay still for two or three minutes and thought they would stop, and they did stop, but they started again; but they were setting the machine gun on us, and we didn't have sense enough to know it. In about three minutes there were three men lying there with us back of the coal pile. We were laying there flat on the ground behind this little coal pile. They kept the machine gun on us I don't know how long, but it seemed like an awful long time, but I think it was about an hour steady. The bullets were hitting just about a foot on the other side of us. They did not have the range right. I don't understand how we ever got out of there alive at the time the machine gun was trained on us. There was a little 12-year-old boy shot in the tent colony. The father came out to tell us. When he came out he took the machine gun off of us long enough to chase him back

to the tent, and that is how we made our escape, through that. From about 3 o'clock on it was worse than ever.

They got the machine gun set better and at better range, for it was terrible how those bullets came in there; it does not seem possible to tell how they were coming in. They would say if the bullets were coming in like that, why were there not more shot? Simply because the caves were there and the dogs and chickens and everything else that moved were shot. Between 5 and 6 o'clock they set fire to our tents. When they set fire to our tents we decided that we would go from cave to cave as fast as we could. They could see us going through, and we had to dodge their bullets. We were going from cave to cave, getting the women and children together, and let them out, and took chances on being shot. We had about 50 together when we saw one little Italian woman, and who came with us to Washington, but she was simply grieving herself to death. She is not sane, I don't think. She is killed, they say. Her three children were killed out there. We knew and her three children were in the cave. We could not understand how they got the three and herself there, but we afterwards moved into the hills. So Louis Tikas told me that if we would get them together and lead them down the aroya—we didn't know that there was any men there—we thought it was she and her children. While he was on his way—the screams; I believe you could hear them for a mile. The screams of the women and children—they were simply awful. When he was on his way to the cave they captured him and took him prisoner. After they took him prisoner, they couldn't decide for a little while how they wanted to kill him. Some contended to shoot him; some contended that he should be hanged. Finally, Lieut. Linderfeldt went up and hit him over the head with a rifle, broke the butt of the gun over his head, and then made the remark he had spoiled a good gun on him.

They stepped on his face. We have a photograph. I don't believe we have it here, but it shows plain the prints of the heel in his face. After he fell, he was shot four times in the back.

There were three of our men captured and murdered while they were trying to rescue those women and children. Two out of the three did not have revolvers. One of the men had a rifle. He had been out and came back and got his wife and family out. At the time this fire broke out our men quit camping altogether. They thought I had made a run for the tent—meant to get the children out—and I made my way leading to this farmhouse. When this little boy was shot, his mother said they had not had a bite to eat that day. None of us had any breakfast that morning. Yet, not one-half of the people in the tent colony were up and dressed. If we were planning a battle like they say we were, it is most certain that the women would have been dressed and ready to get out. Those little children run around without shoes and stockings and half of them were without clothes.

Mrs. Snyder had six children, and none of them had anything to eat. At 5 o'clock the firing ceased, so she came up out of the cave and brought her children. She had two tents, a kitchen and bedroom. She threw the children in the last corner and set them all in a bunch till it would be possible for her to get something for them to eat. She had been there about two minutes when the oldest boy, 12 years old—he was turned with his back to the firing, he was just over like this in an effort to caress his little sister when the top of his head was blown off, and his brains were pattered over all the little children in front of him. The mother had to take the five little children into the cave, and they had to look at that sight until 12 to 1 o'clock at night. She said even though the boy had not been dead, there would not have been any chance to have done anything for him. They had to leave him laying there riddled. Between 12 and 1 o'clock they came to her tent. She said she would rather be shot than burned to death. She threw the cellar door open and hollered, "For God's sake, come and help me. I have a dead boy in here." They made a reply that it was too damned bad they were not all dead.

And they went to the cave to tell them to get out of there, and if they wanted to get out, to get out quick—only that is not the language that they used; but they told them to get out of there in a hurry. She asked them if they would please help her out of there, and she says one of the men drew his revolver and held it in her face while he gave her his hand to help her out, and she said that she thought that if her husband came out last maybe it would protect him; and then they ordered him to come out, and he came out, and they grabbed him by the shoulder there and threw him on the ground, and they says, "There is one

of the red necks we are looking for," and told him, when the mother begged him not to shoot him on account of the dead boy, and one of them turned around and pointed at the little boy and said, "Well, you can take that damned thing and get out of there." They said that of his dead boy. They said, "We will let you go." He said that he thought if he could get some one to help him carry this boy to the depot that would be protection, and they would not shoot him on the way to the depot. He asked him to please help him with the body of the boy, and they told him no; he could do it himself; and he took his boy over his shoulder and took his baby over in the other arm and started away to the depot. And pretty nearly every 5 yards there would be a gun pointed toward him and they would tell him they were going to kill him. And he had to stay there under that condition until 6.30, when a train came through there that he could get to Trinidad. I got away from there between 8 and 9 o'clock and got to a farmhouse in that neighborhood on Tuesday morning about 2 o'clock. And along about 4 o'clock there was an automobile drove up to this house and stopped, and two doctors in it came to see if anybody was wounded. And they immediately opened fire on the farmhouse. And the bullets would go through and through that house. Most of their bullets that they used were explosive shells. Every one I seen was. I seen one steel jacket that they had taken and split and notched it this way and then across this way again, so that when it hit it would explode.

They opened fire about 5 o'clock on this morning—Tuesday morning. And there was an old man ill there; he had pneumonia; and there was a telephone in this farmhouse, and I couldn't find out who was dead or what had happened or anything, so we decided we would eavesdrop over the telephone—not a very nice thing to do, but they tell me that at a time of war everything goes. So we eavesdropped over the phone, and we heard Dr. Curry's wife and the superintendent's wife having a talk. Dr. Curry is a doctor for the Victor Fuel Co., and at that time he was wearing a militia uniform; and his wife was talking over the telephone to the superintendent's wife. And she says to her, "Why, what do you think of yesterday's work? Wasn't that fine?" Then she mentioned about them killing this old man Feiler. He was an old, gray-haired man, 55 or 60 years old. He was our financial secretary in the camp, and he had went back into the camp to get the money. I think there was \$300 of it he had in there that he had in his tent. And he went in there and got the \$300, and had the sack, and while he was making his efforts to escape a bullet went through the back of his head and came out, taking his face with it—an explosive bullet—and you never in your life seen anything like that. So she says, "They got that old Jim Feiler and they got Louis, the Greek." And she says over the phone, "Wasn't that fine?" She says, speaking now of the time of the burning of the tent colony, "We burned down that dirty tent town, and you know there are 28 of the dirty brutes roasted alive in it." That was as much as I could stand. I think when she said that there were 28 of them roasted in there alive she knew what she was talking about. We got only 13 out; but I think if the coke ovens around there could tell their story, there would be a much clearer story.

We made our escape that night from the farmhouse; we didn't have anything to eat in the farmhouse. This Frank Bays owned the farmhouse, and he thought if he would take a Continental Oil wagon and get out of there that they would not shoot him. He drove this oil wagon, and he took the oil wagon and went out and he was afraid they would shoot at him, but they were too busy and they didn't notice him going out. But when he came back in, about 5 o'clock, they opened fire on him and shot one of his mules that he was driving, and it made them mad and more furious than ever because they could not shoot him. Then we left that house and went back. So Mrs. Bays went to the telephone and asked for and called up Sheriff Gresham and asked him, and he said he couldn't do nothing, that he had nothing to do with those men down there, but to call up one of the captains. So she called up one of the captains of the militia and asked him his name, and he would not tell. And I don't blame him for that. I would not have told it, either. She says, "Can't you protect or guarantee us some protection down here?" And he said, "I don't see why I should," and she said, "There is nothing down here but women and children," and he says, "Well, that is not my men shooting down there; that is the red necks." She said, "I know better, because they are in uniform and they are coming toward us," and he said, "I will see what I can do; but the best advice I can give you is to lay low, because anything that is seen moving will be shot at."

We took his advice and lay low until it got dark, and then we made our escape out of there that night. And after we had made our escape they went to this farmhouse and looted it, and took everything, and before they left they left a note on the table and it read, "This is what you get for harboring strikers. Cut it out or we will get you." And it was signed with the initials of the Baldwin-Fells detectives and the National Guard. We made our escape that night from the farmhouse and went to another house about 5 miles below and got there Wednesday morning, and they took this old man and the baby that had the pneumonia to the hospital in Trinidad there when we got to Trinidad. And they wouldn't let anyone go down there to get these bodies in the tent colony. They turned the dead wagon back as fast as it started to go there. So we got permission from Gov. Ammons and the secretary, and went out as Red Cross and started and we were met about halfway, when we met about 35 men—half of them in uniform and half in civilian's clothes, and I never in my life was abused like they did. I never was slandered like I was that day, and I never heard the language used that they used that day. And they escorted us into the tent colony and took us to one certain cave there, and there were the bodies of 11 little children and 2 women in this cave. There was one 12-year-old child and the rest of them was from 1 month to 4 years. They told us that was all the dead that was in the camp; but would not let us go around and see for ourselves. We were under guard; we were allowed to go only certain places.

While we was there there was an automobile going through the prairie and they turned up their machine guns on the automobile, and one of them come up and he says to them, "That is all right, old boy, you have got them stopped. We have wiped them off the face of the earth like we did the day before." And another one says, "You see, when we get after them we get them. But the very means of escape have proved to be their death traps." And they would try to frighten us, and they would shoot dogs or chickens while we were there, trying to frighten us. Sometimes I don't think they would shoot at anything, but they were just trying to frighten us to death. And there was one woman there, when she left the cave she had her two children—three children—and they would shoot at her feet as she was taking her three children and went out of the burning tent to get to the other cave, and a man in uniform called to her and told her to hurry up, and all the time these men were shooting around to scare her, and she went into this cave where these bodies were all in there, and they never went to try to rescue any of them, and we could hear them screaming, all of us. Never in my life have I heard such screams. And she got in there and had her little 6-months-old baby in her lap, and she was sitting as close to the door as she could trying to get away from the smoke so she would not be suffocated. And she says that on the following morning the next thing she knew when she came to her three children were lying on the floor dead. And her baby was lying there, too. She says she went over to her little boy and touched his hand, and it was cold, and she knew he was dead, and that is the last she could remember. She lost her mind right then. She don't know how she got out of the cave or how she got to the depot or anything of the kind, or who put her on the train or how she got into Trinidad. We had her in Washington with us to give information to these Senators, and she was telling her story and some of those Senators broke down and cried. I couldn't tell it as pitifully as she did. She was grieving herself so that we had to put her on the train and send her back home.

On Wednesday they told me that they found 700 guns—and it is just such outrageous stories as that they tell on the miners in this case, and you have simply got to judge them yourselves. They told me they had 700 guns and 10,000 rounds of ammunition in John R. Lawson's tent. And one of the first tents to burn down on Monday was the Lawson's. Now, that is the story told. Now, if there had been 700 guns in that tent, gentlemen, I tell you here, there would not have been quite so many have come through that day—that is, the militia. If our men had had 100 guns they could have protected us and there would not have been so many women and children slaughtered. But they did not have nothing, and they couldn't get anything. The militia had taken up all our guns and given them to the mine guards. They had, every one of their men—we speak of the guards as scabs—with their guns and revolvers two weeks before, and had them at the mines there. And this corporation there, they were taking these men out, these strike breakers, and taking them to Trinidad and giving them commissions allowing them to carry a revolver; and at the time of this battle these men all had commissions and were armed, and

our men didn't have anything and couldn't get anything. I think that is about all my experience; but Mrs. Thomas can tell just a little bit more.

Chairman WALSH. Wait one moment. Some of the commission may want to ask you some questions.

Commissioner HARRIMAN. Mrs. Jolly, do you know how many of the strikers are Greeks? That is one statement made, that they were nearly all Greeks and that a great many of the men had been soldiers in the war.

Mrs. JOLLY. Why, I think if I was giving my own judgment about it, I should say probably about one-fourth of them were Greeks. We had 21 different nationalities in the Ludlow tent colony. Now, you can imagine how many Greeks out of those; and there was about 1,000 inhabitants, I should say, probably one-fourth of them Greeks. And I want to say right here that I never in my life met a finer bunch of men than those Greeks, and never knew a better and cleaner bunch of men, and I never seen in all the time there one of those Greeks that was drunk nor heard one of them utter a profane word; and that is more than I can say for the English or Americans. Never heard them utter a profane word, and they were a fine set of men. At one certain time there were two girls found in our camp that went over to the militia or civilians' tent; and when these girls came back from the tent these Greeks themselves went in a bunch and told them they would not stand for anything like that, and if they were going to do anything like that they must leave, because these people were trying to get something to slander this town with, and they wouldn't stand for it; that they wanted this town to be the first on the map in the matter of character and morals, and they wouldn't allow those girls to go away. They had be in there at a certain hour, and we were not allowed only to do certain things, to keep them from saying such things as that. These Greeks are good fighters, and if we could have had our arms and had them to give to the men there would not have been so many dead women and children to-day.

Commissioner LENNON. Did or did not a number of the gunmen and guards fill up the ranks of the militia as the militia went home?

Mrs. JOLLY. Yes; they did.

Commissioner LENNON. You are confident that is true?

Mrs. JOLLY. Yes, sir; I am confident. They admit that themselves.

Commissioner LENNON. When they searched your colony what did they do, so far as you know, outside of the arms and ammunition? Did they take money or jewelry?

Mrs. JOLLY. I know of their taking money, and I know of their taking jewelry from the tent colony. At one time there they came into our tent colony and searched, and after the search there was complaints made so many different times that they had robbed people in there, and one day they had a fine officer with them and he says, "Well, I will hold up my men now and you may search them so you can see"; and among those men that were searched there was jewelry and money and little things—just little souvenirs the people had that were taken from the pockets of these militiamen right in front of the officer.

Commissioner LENNON. Do you know who fired the first shot after the 23d day of September, when the strike began? Have you ever been informed so you believe you know as to who really fired the first shot. You said here in one place that shortly after September 30 the first two shots were fired. Do you know who fired those shots?

Mrs. JOLLY. They were fired from an automobile that was going by the tent colony.

Commissioner LENNON. Can you explain just where it was?

Mrs. JOLLY. In this automobile was this—I suppose you have heard of him—Belcher and a fellow called Lindsey and two or three other men. And as they went across there were two or three shots fired from the automobile into the tent colony.

Commissioner LENNON. That was the first of the fighting, so far as you know?

Mrs. JOLLY. That was the first, because I had been there all the time.

Commissioner LENNON. Did the officers of the militia as well as the rank and file of the militia insult the women when they were outside of the tent colony?

Mrs. JOLLY. Yes, sir; they did.

Commissioner LENNON. That is all.

Commissioner BALLARD. You spoke of Louis Tikas as leader of the strikers?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. Was a Greek also?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. Were most of the Greeks married or single?

Mrs. JOLLY. Not one of them married.

Commissioner BALLARD. All single men?

Mrs. JOLLY. Yes, sir; all single men.

Commissioner BALLARD. Was Louis Tikas himself a miner?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. Had he been working in the mines up to the time of the strike?

Mrs. JOLLY. He came in there from Denver. Up to the time of the strike he had been working for the mines at Louisville—Louisville, not working in our vicinity, but in the northern mines.

Commissioner BALLARD. And he came down from Denver to help the strikers?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. What did he do in Denver?

Mrs. JOLLY. He had previously worked in the mines, and at one time was, I know, in the insurance company; but just before the strike he had worked in the mines there.

Commissioner BALLARD. Well, just before he came down to the strike colony, what had he been doing in Denver? What was his business in Denver?

Mrs. JOLLY. I couldn't tell you. I think he came from one of the mining camps just the other side of Denver—Louisville—no; Frederick.

Commissioner BALLARD. Did he and his brother have a saloon in Denver?

Mrs. JOLLY. I don't think so. I never heard of it if they did. I don't know.

Commissioner BALLARD. You were in the tent colony the day of the battle, and what day was that; do you remember?

Mrs. JOLLY. That was the 20th of April.

Commissioner BALLARD. You were in the colony at the time of the fire?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. Did you see anybody with torches yourself?

Mrs. JOLLY. I did not; no. Not that day. On Tuesday morning I did, but Monday I did not, because I was too busy. But one of our women seen one man who did, Mrs. Snyder; talk with him and gave me his name. I went to school with the man myself. She gives his name.

Commissioner BALLARD. The tent in which you were, was that burned on the day of the battle, or Monday, or Tuesday either?

Mrs. JOLLY. Yes; burned.

Commissioner BALLARD. What can you tell us about that?

Mrs. JOLLY. I left the camp before it was burned. I don't know if it was burned that Monday night or the next day. The fire in the camp was all night and never went out. It was a very large camp and there was so much furniture in there; and that fire lasted about three days before the smoke or anything was gone.

Commissioner BALLARD. Were any of the tents burned down on Monday, the day you were there?

Mrs. JOLLY. They started between about 5.30 and 6 o'clock. There was about one-half of them burning when I left the town.

Commissioner BALLARD. You didn't see anybody set them afire?

Mrs. JOLLY. No; I did not, because I was not at the front.

Commissioner BALLARD. You say the financial secretary was an old man?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. He was killed that day?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. What was his name?

Mrs. JOLLY. James Feiler.

Commissioner BALLARD. You said he came back to the tent to get about \$300?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. Where did that \$300 come from?

Mr. JOLLY. It was the money they allowed them in the camp. Saturday was pay day in the camp, and this money had been left there, and as the railroad had been sent back, he had not had any chance to send back any Monday morning; and it was money that was left there in the tent, because Saturday was pay day.

Commissioner BALLARD. They paid every Saturday, then?

Mrs. JOLLY. Yes.

Commissioner BALLARD. Did he pay all the striking miners that were there?

Mrs. JOLLY. Yes, sir.

Commissioner BALLARD. What did he give every miner, if you know?

Mrs. JOLLY. Yes. The men got \$3, each woman \$1, and for every child 50 cents.

Commissioner BALLARD. Where did he get the money to pay them if they were not working?

Mrs. JOLLY. Why, it was sent in by the United Mine Workers of America.

Commissioner BALLARD. Where from?

Mrs. JOLLY. Why, I don't know the different men. The union is holding them up.

Commissioner BALLARD. The union is holding them up?

Mrs. JOLLY. Yes; they are supporting them.

Commissioner BALLARD. And then this money came in there every Saturday, then, and the miners were all paid just the same as though they were at work?

Mrs. JOLLY. Yes, sir; every Saturday.

Commissioner BALLARD. That is all.

Chairman WALSH. Any other questions? That is all. Thank you, Mrs. Jolly.

TESTIMONY OF MRS. MARY HANNAH THOMAS.

Mr. THOMPSON. Give us your name.

Mrs. THOMAS. Mrs. Hannah Thomas.

Mr. THOMPSON. And your address.

Mrs. THOMAS. Ludlow.

Mr. THOMPSON. Is your husband living?

Mrs. THOMAS. Yes, sir.

Mr. THOMPSON. Is he a miner?

Mrs. THOMAS. Yes, sir.

Mr. THOMPSON. How old are you?

Mrs. THOMAS. I am 25 next birthday.

Mr. THOMPSON. How long have you been married?

Mrs. THOMAS. I have been married eight years.

Mr. THOMPSON. Have you got any children?

Mrs. THOMAS. I have got two children.

Mr. THOMPSON. How long has your husband been a miner?

Mrs. THOMAS. He has been a miner—he is now 32. He started mining when he was 24 or 25.

Mr. THOMPSON. How old is he?

Mrs. THOMAS. He is 32.

Mr. THOMPSON. Of what nationality are you?

Mrs. THOMAS. I am Welsh, but my husband was born in America.

Mr. THOMPSON. How long has he been in the mining work out in Colorado?

Mrs. THOMAS. About 10 months. Well, we were in this country two months before the strike started. He was born in America, but was raised in Wales.

Mr. THOMPSON. And came back to this country from Wales about two months before the strike started?

Mrs. THOMAS. Yes, sir.

Mr. THOMPSON. How long were you in Colorado before the strike started?

Mrs. THOMAS. Two months.

Mr. THOMPSON. When did the strike in Colorado start—what date?

Mrs. THOMAS. In September.

Mr. THOMPSON. When did this shooting that has been spoken of by Mrs. Jolly take place?

Mrs. THOMAS. Which—the first battle?

Mr. THOMPSON. Yes; at Ludlow.

Mrs. THOMAS. On the 20th of April, this last massacre.

Mr. THOMPSON. You may tell your story now.

Mrs. THOMAS. Ten months ago I came from Wales, thinking we would like to come to see the country where my husband was born. I had a business there and was doing pretty well, and was very well situated in Wales. I sold everything and bought everything that I needed there and came over to this country—and brought \$1,500 with me and 156 wedding presents, being very, very well known in the place I came from because I had been born and raised in that place from which I came. I had a silver tea service that was presented to me by the society I was a member of there when I got married, and things that I couldn't exactly mention. But I had a tremendous lot of valuable things that—I had a beautiful gold bracelet that had been given to me on the day that I got baptized, that I was taken a member into the church, and several other things that I can't mention. I had a Bible that was presened to me, a very

beautiful Bible, by the church there that I had been a member of since 12 years of age. I also had that in Ludlow where it has been taken or burned, but which was presented to me by the church that I was a member of. They made a concert for me the night before I left there, and when I reached here we went straight to Colorado. When we were going up in the hack someone asked my husband where he was hailing from, and he said he came from Wales. He says, "I guess you belong to a union?" He said, "Yes;" and he pulled out his card, and the man said, "For God's sake, put that back, because if they see that card on you you will go down sooner than you came up." That means he had to play he was not belonging to the union at all. When we were in this union mine or this mining camp he put this card up, and from that time had to play he was not belonging to any union at all, when we were in this mining camp. It was a nonunion mine and we found the rules there were very very much different from what they were in the union, and not one man could speak for himself. If there was \$80 coming to a man on pay day, and if they gave him \$60, he would have to be satisfied. They would say he was short weight on his coal; but they never had a check weighman for the miners, always the operators. No man ever saw his coal weighed. There was two men there telling me they had been to work one morning and the fire boss told them to go to work at a place, and when one of them went to work at that place he could see that the top was almost coming down; and he said that he could not work there; it was not safe. They handed him his money and told him there was no other work there; that he could go and not come back again. And when he came and told me about this, on that very day, that very place fell in, and then he went to ask for some work, and they said no. And he had to go out of that mining camp.

And when the strike started we all went down to the tents and the men—when we were going down to these tents, these gunmen just would stand a few yards from us and would point their revolvers at us as we were going down to Ludlow, and if anyone dared say a word, he would have been shot there; and that was the very first time I ever had seen a gun. I never saw any kind of a gun before until I came to America. When we went to Ludlow there was only four small tents there and one large tent; and the C., F. & I. operators they had delayed the tents, so we would be without any homes whatever, and all our furniture and everything else was out on the prairie there that week, and it was snowing and terribly cold and awful wet. It was terrible weather at that time. But we determined to stick together there because we had put up with such a lot and believed we would rather suffer anything than go back to work under the conditions that they had been working. When the militia came in we greeted them, as Mrs. Jolly explained. We greeted them and invited them down. Several had supper in my tent. And we danced with them, and one night they came into the tent colony, some of them did, and we refused to dance with them; and one of their officers came down there and he says, "How is it you don't dance with our men?" And I says, "Because you can't be on two sides and we much prefer, if you respect us, in keeping away." "Oh, that's just what I wanted. I don't want these men to come down here at all." So from that time on they kept away from there. And they started some dirty tricks against us. Then they had me—one day when I was going to Trinidad, they had a parade protesting against Mother Jones being in jail. And I had lost my train, and there was an automobile passing with three men in it. And I had some important business to do there that day and I wanted to go badly, so I asked if they could give me a ride down. They said, yes. As soon as I got in they asked me who I was and if my husband was a miner and different questions, and they said how sorry they were for these miners that were there starving and there was plenty of work up in the canyons for them. I says, "No man there will go back to work unless they get better conditions." Then they saw, although they kept on asking questions, they couldn't get the answers out of me that they wanted, so, finally, this man turned around and he never spoke to me any more. But when we reached Trinidad, on the square where the Columbian Hotel is, he jumped out before the car stopped and ran in through one door of this hotel—and what my opinion was, that they were operators. They told me they had been up to the mines. They could have run in through this door and pointed me out through another door or through the window.

So I wanted to go down the street and I could see the parade and everything there and that everything was coming back—they had had a parade; and after the ride down I thought I had better go to my friend's house to wash my face,

as I felt dirty; and I went up four steps there, there was a flight of steps, and I went up four steps there, and one of the militiamen caught me by the collar and pushed me to the floor, and I got up and he knocked me down again, and I got up and he knocked me down again, and I asked him what it was for three times, and everybody around there started shouting, "Shame," and got quite indignant; but no man dared to say a word, because he had his bayonet fixed, and he was waving that around as if he would use it. So when I said that I did not like that, someone jumped up and said, "Arrest that woman," and two of them caught me and marched me down to the first place, and they get me there with 50 militiamen around me there, and they had their revolvers and fixed to shoot, and after I had been there about 10 minutes, when Gen. Chace came along, and one of these men told him, "This is Mrs. Thomas from Ludlow." He says, "Oh, that is her, is it. Well, you keep her here until I give you further orders."

And they kept me there for four hours, until I was almost fainting, and then they took me up to the jail—to the original county jail, took my description and size and weight and the color of my eyes and the color of my hair—and they couldn't decide what color my hair was; and they asked me what color would I call that, and I said pale blue. So he put me up in a cell that I was to have, and I went—and when I saw in this cell it was the most filthy thing I ever was in. And two other women had been arrested in the parade, and he had these women there, and they were released that night; and I thought I was going to be released, so I put my things on, but they never came to fetch me, and the jailer says, "I guess you will have to be satisfied here," so I got into bed, and it was the most filthy place, and when I got in bed these rats were running around like horses, and it was the most—I can not describe the filthiness of that place. Then I wanted to get my children down there. I told them I wanted my children down. So they said they were going to send the militia to fetch them; and I put a note out of the window, pushed it out through the bars, trusting someone would pass it to my husband, and someone did. And in that note I told him not to give his children out of his charge until he came to me with them.

I would not have trusted my little girls in the hands of any of those dirty militiamen, knowing what they were doing. And he brought the little girls down to me, and the jailer said he could not come there to see me; that I was a military prisoner, and to be kept incommunicado, and he says, "I am going to take these children to her; and if I don't, I can't give them to anybody," and he says, "You can't do it." So he was going to turn away with the children. "Well," he says, "I better let you go," so he brought him up and the jailer folded his arms, and he said, "Mrs. Thomas, I have got to hear your conversation." "All right," I says. So we spoke Welsh and so he couldn't understand it. And he left me stand there for about three to five minutes, then he ordered my husband away; and then after I got my children in with me for about three or four days they were crying something terrible. They would throw the food in to me as if I was a dog and leave it on the floor, and they gave them little children the same kind of food as the worst criminal in America. And they were unable to go out of there and they could not eat anything and they complaining and kept on asking me, "Mamma, why do they have these bars?" And they wanted to put on their hats and coats dozen of times and would try to run out when the jailer opened the door and he would push them back just like dogs. And when I had been in there for about four days and was breaking my heart to see the children in there and crying so much to get out, I sent a letter to Gen. Chace and asked him what did he have me in there for and what was the charge against me, and if he would give me a trial I could prove that I had never done anything that was wrong. So he never heeded my letter and kept me in there until he felt like letting me out and he kept me in there 11 days; and then he released me without any trial whatever, and I don't know even yet what I was confined in there for.

Another time there were 20 of our men going out for a walk; and it was a very fine day, and there was a regiment of these militiamen ahead of them, and they took them up to the mining camp at Berwind, and then when they got them there they gave them an offer to go to work there, and they said, "No, they would not go." And they said if they didn't go to work they would be put in jail. And they said they would rather that than go back to work; that they would not go back to work under the conditions down there. And they beat these men and they were bruised something bad; and then they gave them again an offer to go to work there; but they would not, and they kept

them until the next day without any food in a dark cell; and the next morning they beat them up, and lined them up against the wall and put a cannon before them, and gave them to understand they were going to shoot them, and gave them, an offer again if they would go back to work; and they said, "No, they would not." And those men were as white as death, for they did think they were going to be shot, because these militiamen were capable of anything. And when this cannon was before them and they enticed them to go back to work, and they would not, and they beat them up again and drove them back with whips right back to Ludlow. They were on their horses and had whips. They whipped them right back to Ludlow. And before the congressional committee they said they only did that for fun—put that cannon before the miners—and that they were only joking.

Another time they took a man off the street and put him in jail and never let him know what he was in there for; and they gave him a chance to go back to work, and he would not go, and they made that man dig a piece of ground there and gave him to understand that it was his grave, and that he was to be shot the next day. And he asked if he could not see his wife and children before he would get shot. They said no, they could not grant any privilege whatever. So they gave that man to understand that he was to be shot. Well, he got very ill, and they had to send for the United Mine Workers to get him out, and then they had him out, and then this man said he had had a horrible experience. And there was another man there they put in jail, and it was in a damp cell, and they kept him in that damp place until he died of heart trouble, and he died within four days. That was a healthy man before he went in there. And the women that have been insulted in Ludlow—it is terrible. It can not be stated. It can not be stated—the insults the women have had to undergo. And since these militiamen have been there there's dozens of young girls who have had to go to homes expecting to become mothers. There is one woman there—a German woman—and two militiamen came down there, knowing that her husband was away, and they came down to the tent colony and tried to get her to drink some whisky with them, and she says she would not; and they told her they were going to arrest her and take her up to their tents—

Chairman WALSH (interrupting). Mrs. Scott has just informed me that your time is up, and that if the commission should wish to ask you any questions will have to ask them now, because you have to leave on the train at a certain time. Are there any questions you would like to ask, Mrs. Harriman?

Commissioner HARRIMAN. No; I think not.

Commissioner BALLARD. When did your husband come to the mines to work at Ludlow?

Mrs. THOMAS. It was in July.

Commissioner BALLARD. And the strike occurred in September?

Mrs. THOMAS. Yes, sir.

Commissioner BALLARD. So he had been working there about three or four months?

Mrs. THOMAS. About two months; something like that.

Commissioner BALLARD. Do you remember how much wages your husband made a month?

Mrs. THOMAS. Yes.

Commissioner BALLARD. During that three or four months?

Mrs. THOMAS. Yes.

Commissioner BALLARD. About how much?

Mrs. THOMAS. About \$70 a month.

Commissioner BALLARD. And he had been a miner in Wales?

Mrs. THOMAS. Yes, sir.

Commissioner BALLARD. What did he make over there?

Mrs. THOMAS. He made about \$40 to \$50 a month; but we could live on half the wages in Wales. If I could have that wages in Wales I could save half of it. But when we were in Colorado I could save nothing, because it all went to the company store.

Commissioner BALLARD. Were you compelled to trade in the company store?

Mrs. THOMAS. Yes, sir; we were compelled to trade in the company's store—made to buy everything there—and most of the men were in debt there, so that they did not see what was the color of money; did not know what was money, only taking their check from the company—only a slip of paper from the mine when they were having a pay day, and they would have to take that slip of paper right to the store and then deduct anything that the man owed.

If he owed \$70 and he only had \$60 coming to him, they would take the whole \$60 and wouldn't give him any money.

Commissioner BALLARD. Did you have to pay in the company store more than in the ordinary stores in Trinidad and Ludlow?

Mrs. THOMAS. Yes. In these company stores they would give you scrip and they would say on the scrip—it would say you could purchase anything in the company's stores in the mining camp; but not at the same store belonging to the same company at Trinidad, because in Trinidad they had to compete with other stores.

Commissioner BALLARD. Cheaper in Trinidad than up at the mines?

Mrs. THOMAS. Yes, sir.

Commissioner BALLARD. This day that you went to town, was it Pueblo or Ludlow where you were arrested?

Mrs. THOMAS. Trinidad.

Commissioner BALLARD. And that day there was trouble?

Mrs. THOMAS. Yes, sir.

Commissioner BALLARD. What was this parade?

Mrs. THOMAS. They were protesting against Mother Jones being in the San Juan Hospital without any charge whatever.

Commissioner BALLARD. That is all; thank you, Mrs. Thomas.

Chairman WALSH. Call your first witness, Mr. Thompson.

NEW YORK CITY, *Thursday, May 28, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, and Harriman.

Chairman WALSH. The commission will please be in order. You may proceed now. Mr. Thompson.

Mr. THOMPSON. Mr. Boughton.

TESTIMONY OF LIEUT. COL. EDWARD J. BOUGHTON.

Mr. THOMPSON. Mr. Boughton, will you please give us your full name and spell it?

Mr. BOUGHTON. Edward J. Boughton.

Mr. THOMPSON. And your address?

Mr. BOUGHTON. Denver, Colo.

Mr. THOMPSON. Your occupation or profession?

Mr. BOUGHTON. Attorney at law.

Mr. THOMPSON. How long have you been practicing law and where?

Mr. BOUGHTON. In Colorado wholly; at Cripple Creek, Colo., and at Denver, Colo., since August, 1899.

Mr. THOMPSON. 1899?

Mr. BOUGHTON. Fifteen years next August.

Mr. THOMPSON. And wholly in Colorado?

Mr. BOUGHTON. Wholly in Colorado; yes, sir.

Mr. THOMPSON. How old a man are you?

Mr. BOUGHTON. Thirty-five years old.

Mr. THOMPSON. You have some position, have you not? First, are you a married man?

Mr. BOUGHTON. I am, sir; I have a wife and three children.

Mr. THOMPSON. Are you an American citizen?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. Born in this country?

Mr. BOUGHTON. In this State—New York State.

Mr. THOMPSON. How long have you been in the State of Colorado?

Mr. BOUGHTON. Since 1892.

Mr. THOMPSON. Do you have some position with the Militia of the State of Colorado?

Mr. BOUGHTON. I hold a commission in the National Guard of Colorado.

Mr. THOMPSON. What is that commission?

Mr. BOUGHTON. Major of infantry.

Mr. THOMPSON. How long have you been a major of infantry of the State of Colorado?

Mr. BOUGHTON. Since the 10th of September, 1910, before which I held a commission as captain of infantry. I have been connected with the National Guard

of Colorado intermittently since 1903, just preceding another industrial conflict where the militia was used in that State.

Mr. THOMPSON. That was the industrial conflict at Cripple Creek?

Mr. BOUGHTON. At Cripple Creek; yes, sir.

Mr. THOMPSON. Where, at that time, were you practicing law in Colorado?

Mr. BOUGHTON. I chanced to be practicing for a short interval in the northern part of the State at a small town.

Mr. THOMPSON. What was the name of the town and where was it with reference to Cripple Creek?

Mr. BOUGHTON. Its name was Loveland. That is about 50 miles north of Denver, where Cripple Creek is about 75 miles south of Denver. This was an agricultural community from which I came.

Mr. THOMPSON. When did you first practice law in Cripple Creek?

Mr. BOUGHTON. About a year after the conclusion of the strike in 1903.

Mr. THOMPSON. That is, 1904 you commenced practicing law in Cripple Creek?

Mr. BOUGHTON. Yes, sir; in the spring.

Mr. THOMPSON. Prior to that time you had acted with the militia in the struggle at Cripple Creek?

Mr. BOUGHTON. Yes, sir; and then I returned to Loveland, and was there part of the year, and then from there to Denver, and from there to Cripple Creek, where I stayed until I moved to Denver quite recently.

Mr. THOMPSON. Where were you stationed at that time as a member of the militia?

Mr. BOUGHTON. My actual service did not extend beyond a couple of months. The company was returned to its home station.

Mr. THOMPSON. What position did you occupy with the militia at that time?

Mr. BOUGHTON. I was a captain, sir.

Mr. THOMPSON. When you finally returned to Cripple Creek about a year later and opened up a law office there, if you can tell and if you remember, whom were your clients there?

Mr. BOUGHTON. Well, I had a general practice there.

Mr. THOMPSON. Did you specially take up the question of mining law?

Mr. BOUGHTON. Yes, sir. Yes, sir; that has been my pursuit almost exclusively in Colorado.

Mr. THOMPSON. In your practice as a lawyer and making a specialty of mining laws you deal mostly with the mine owners or their representatives, do you not?

Mr. BOUGHTON. Yes, sir. My own peculiar practice has been rather confined to the mine owners of Cripple Creek. That, however, is the gold-mining law. The gold-mining law and gold-mining practice and gold-mining clientele is altogether distinct from any other clientele.

Mr. THOMPSON. The industrial struggle at Cripple Creek was a very severe one, was it not?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. And caused a great deal of comment in Colorado, did it not?

Mr. BOUGHTON. Oh, naturally.

Mr. THOMPSON. And throughout the country?

Mr. BOUGHTON. Yes; I believe so.

Mr. THOMPSON. During that struggle a large number of labor men were deported without the State, were they not?

Mr. BOUGHTON. Yes, sir; in 1904. That was after the military occupation was over, you know. It was after the 6th of June, 1904, the day of the riot at Victor. On that day a considerable number of nonunion men were destroyed by an explosion at the Independence depot. The citizenry of that community then rose, and while they had the cooperation of the National Guard unit at that point, still the expulsion of the remaining union mining men was carried forward by the citizenry itself largely.

Mr. THOMPSON. You say by the citizenry itself largely. What are we to understand by that answer?

Mr. BOUGHTON. It was their initiative. They organized, as I recall it now—though I was not there at the time.

Chairman WALSH. If he was not there, please don't go into that.

Mr. THOMPSON. I was assuming he was there.

Chairman WALSH. Well, I had that idea, too; but he says—

Mr. BOUGHTON (interrupting). I served about two months actually at Cripple Creek in 1903, and then opened an office about a year later, you know.

Mr. THOMPSON. And before you came to Cripple Creek?

Mr. BOUGHTON. And before I moved to Cripple Creek I was in Loveland and Denver.

Mr. THOMPSON. In regard to the late trouble in the State of Colorado, did you serve with the militia in any districts where trouble had occurred, for instance, at Ludlow?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. How long did you stay there, and when did the service end, and in what capacity did you serve?

Mr. BOUGHTON. On the 26th of October, 1913, his excellency the governor of Colorado issued an executive order calling out all troops of the National Guard to the occupation of the disturbed regions of the State. That order was executed on the 28th of October by the sending of an incomplete brigade of the State troops to the southern fields where they occupied a line of about 120 miles long through the counties of Las Animas and Huerfano, with expeditions into other and remote fields of the State. That occupation continued until the 14th of April, 1914. During all of that time I served in the field with my command, and later I detached from my command as judge advocate of the military district, which the commanding general established by order of the governor.

Chairman WALSH. When did that service begin and when did it end? Or are you still detailed.

Mr. BOUGHTON. I am still in the service at this time.

Chairman WALSH. How long have you been continually in the military service?

Mr. BOUGHTON. Since the 28th of October, with one short furlough.

Chairman WALSH. In 1913?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. For how long was the furlough?

Mr. BOUGHTON. A week, I think.

Mr. THOMPSON. Where first did you take the field when you were called out in October?

Mr. BOUGHTON. I entrained at Denver and proceeded to Trinidad in Las Animas County, where I arrived on the 29th of October early in the morning. I remained in Trinidad until the 20th of November, at which time I was detailed as judge advocate, when the judge advocate's department was created. From that time, with headquarters at Trinidad, I moved about the whole district in the discharge of my work, in the conduct of my investigations and accumulation and accretion of evidence and information to be submitted to the military commission, or for the compilation of the reports to the governor. That was the work of the judge advocate.

Mr. THOMPSON. What would these investigations that you would make, as judge advocate, cover? What kind of trouble? What manner of trouble?

Mr. BOUGHTON. At first, in factions, interfering with a solution of the peace problem. I can illustrate that perhaps vividly in this way: It would be reported that at one of the detached posts, of which there were 32 over that line of 120 miles, an incipient riot had occurred, which was produced by a speech, we will say, of some individual connected with one side or the other of the industrial conflict. The evidence concerning that episode would be taken. The utterances of the man in question would be ascertained, all of that would be submitted to the commission, by whose collective judgment it would then be determined whether it was wise or necessary to detain that individual for a while as a peace measure. Afterwards, of course, we had assignments from the governor, where we were required to investigate and report to him the facts of particular assigned instances.

Mr. THOMPSON. Were you requested by the governor to examine into the causes of the battle at Ludlow?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. On Monday, April 20?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. Of this year?

Mr. BOUGHTON. Yes, sir.

Mr. THOMPSON. In what capacity did you act there? In the same capacity?

Mr. BOUGHTON. In the same capacity.

Mr. THOMPSON. Did you have with you a board?

Mr. BOUGHTON. Yes, sir; a board of officers.

Mr. THOMPSON. Of whom did that board consist? How many and what kind of people?

Mr. BOUGHTON. It consisted of Capt. W. C. Danks, a practicing attorney of Denver, a member of my judge advocate's office, and Capt. Phillip S. Van Cise, a practicing attorney, who, however, was not a member of the judge advocate's office, but in command of his company. That board proceeded to Ludlow, within a few days after the episode inquired into. It made an exhaustive examination of the militia, of all those who took part in it, examining them under oath. The examination of citizens and noncombatants in the neighborhood; the examination of prisoners that had been participants; the examination of the coroner, and reviewed all of the evidence furnished to the coroner's jury, and arrived at a conclusion of fact, which it forwarded to the governor, and which was published in Colorado. Editorial comment upon all sides of the industrial conflict was that it was a fair and honest relation of the actual occurrence which, perhaps, had been distorted by each side of the industrial conflict up to that time.

Mr. THOMPSON. Where did Mr. W. C. Danks, who was one of your board, where did he practice law?

Mr. BOUGHTON. In Denver.

Mr. THOMPSON. Do you know how long he had been practicing law there?

Mr. BOUGHTON. Not accurately. He has been there for a number of years. He is an ex-supervisor of the city and a very highly respected gentleman.

Mr. THOMPSON. How long had Mr. Phillip S. Van Cise?

Mr. BOUGHTON. He is a young man.

Mr. THOMPSON. Where is he practicing law?

Mr. BOUGHTON. He has not been practicing, I should not say, over three or four years at the most.

Mr. THOMPSON. Where?

Mr. BOUGHTON. At Denver.

Mr. THOMPSON. Now, Mr. Boughton, I would like you to make a statement to the commission of the Ludlow incident—as you know of your own information and as a member of this board.

Mr. BOUGHTON. Yes, sir; as we discovered it to be.

Chairman WALSH. Were you personally at Ludlow?

Mr. BOUGHTON. At the time the incident occurred?

Chairman WALSH. Yes.

Mr. BOUGHTON. Oh; no, sir.

Chairman WALSH. Proceed.

Mr. BOUGHTON. But I have the evidential, demonstrable authentication of anything I state to be the facts that was derived, as I say, from an official examination under oath of the participants and noncombatants.

Chairman WALSH. Before what body?

Mr. BOUGHTON. Before the board of officers appointed by the governor for that purpose.

Chairman WALSH. And you were what on it?

Mr. BOUGHTON. I presided over that board.

Chairman WALSH. Then, as briefly and concisely as you can, give us the facts in connection with the Ludlow matter.

Mr. BOUGHTON. Yes, sir. May I ask leave to use a drawing which I have which will expedite, perhaps, the explanation I can make of the incident?

Chairman WALSH. Just give it to the stenographer and he will mark it.

(Blue print of drawing received, but not printed.)

Mr. BOUGHTON. This drawing was prepared by the engineers.

Chairman WALSH. Have you two of those drawings?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. You might pass one to the commission for them to examine.

Mr. BOUGHTON. Only one-half of the drawing is the map of that vicinity. At the point Ludlow, on the point of the Colorado Southern Railroad, which is the artery of commerce north and south between Trinidad and Denver, the two canyons converge at that point and enter the plains or prairies. That is where the hills end and the plains begin. Up those two canyons are the largest coal mines of the State. At the point where the canyons converge and the wagon roads from each cross the railroad tracks was located the Ludlow tent colony. That point is commonly called in that vicinity the "crossroads." Across the railroad track and to the west, about 550 yards away from the tent colony, was established a detached post of the militia where there had been in the field a couple of companies of infantry and a troop of so-called mounted infantry.

On the 14th of April all of these militiamen were withdrawn, together with all other militiamen all over the State, except that there were left to do police duty merely at that immediate point of Ludlow 34 men. Of that 34 men there were 12 who occupied the tents that I speak of across the railroad track from the tent colonies, the other 22 occupying a detached camp about a mile and a half away and out of sight of the two groups of tents. The tent colony was inhabited by a good many hundred people, among whom there were 22 languages used, indistinguishable and not understood one of another.

Sunday, April 19, was, according to the Greek Church, the Greek Easter; it did not come when our Easter comes. It had been anticipated that so soon as the troops were withdrawn some sort of disturbance would occur by reasons of a clash between the remaining militiamen and the occupants of some tent colony, not particularly this one. The clash occurred within one week after the withdrawal of the troops. We learned from certain prisoners of war, using that term for want of another one, who were inhabitants of the tent colony, that the attack had been planned for Sunday, the Greek Easter. It was postponed, however, until the next morning. This tent colony had been searched by direction of the governor for concealed arms four different times, each time with increasingly angry resentment of the inhabitants of the colony, quite emphatically expressed.

It was not supposed, Mr. Thompson, it was not known to contain any arms whatever at the time the troops were withdrawn. On the morning of April 20, a Monday morning, there came to the tents of the commander of the National Guard a woman who claimed that her husband was detained against his will in the tent colony and asked help to obtain his release. At that time there were occupying the five remaining tents of the militiamen only the 12 men of whom I spoke, of whom 10 were absent on ordinary camp duty, some were quartering their horses at a considerable distance from the camp, almost a mile, and others were upon the train detail. The train detail is a detail of three or four men who are kept constantly at the depot to protect incoming and outgoing passengers upon the trains against a police infraction by the inhabitants of the tent colony. There were only two men, the commanding officer, Maj. Hamrock, and a cripple, in the tent at the time the woman called and for some considerable time afterwards and until after the battle, so called, started. The commanding officer telephoned to his train detail at the depot to go to the tent colony and ask for the woman's husband, which was done.

Each nationality in the tent colony had its own leader, but the Greeks of the colony were the force of that population. We learned that a considerable portion of them had returned from service in the Balkan wars; they were regarded, perhaps, by their fellows as men of experience and heroes. At any rate, the head of the Greek contingent was the head of the colony. His name was Tikas, commonly called Louie the Greek in that vicinity. He it was who was killed afterwards in the day. The Greek leader answered the train contingent that he understood the troops had been withdrawn from the field and asked him if he had a civil warrant calling for the production of any prisoner that they might have. There were some words passed, heated words between the soldiers, enlisted men, and Tikas, and I think it safe to say that the militiamen said to Tikas, "We will come back later in force and get that man. We know you have him."

The train detail returned to the depot and telephoned to the commanding officer of the tents that they were unable to get the man and that Tikas denied having him and denied the right of the militia to make a search for him. Maj. Hamrock then telephoned to Tikas himself and asked Mr. Tikas to come to his tent—that is, the tent of the National Guard, which Tikas, for the first time, flatly refused to do. It had been a matter of daily occurrence for Tikas to come to the tent of the commanding officer of the guard or the commanding officer to go over to his tent and discuss the peace problem.

I may say for this Tikas that his presence in the tent colony was for good. He was a restraining influence among his own people.

Chairman WALSH. How old a man was Mr. Tikas?

Mr. BOUGHTON. That is hard to say. I should judge him to be about 40 or 45 years of age, but he was a man, rather dark, sallow complexion, and hard to judge his age.

Chairman WALSH. That is all right.

Mr. BOUGHTON. He was not a coal miner. He lived in Denver and was at one time the head of a combination of bootblacks of that city.

Chairman WALSH. Had he never been a coal miner?

Mr. BOUGHTON. He testified before the commission that he had done some coal mining at one time in the northern part of the State for a short interval, but at the time the strike broke out——

Chairman WALSH (interrupting). There was a lady here yesterday testified that he had been a miner in another place.

Mr. BOUGHTON. Yes; in Louisville; that is correct.

Chairman WALSH. All right.

Mr. BOUGHTON. After Tikas declined to come to Maj. Hamrock's tent, Maj. Hamrock telephoned to his detachment at Cedar Hill, the 22 men, and directed that they should proceed to a hill in plain view of the tent colonies and the military camp, and they drew there. That had been done a great many times before. It was a moral move, having troops in sight when we knew that we were going to have to insist upon some determined position with the tent-colony people. The detachment, except four men, at once came to this hill, marked on the map "Water Tank Hill." In the meantime, it seems, that, according to a preconceived design, the Greek inhabitants of the tent colony to the number of 35 had armed themselves inside the colony, with the avowed intention of attacking the camp. The evening before at a near-by nonunion mine 2 of those 35 Greeks, afterwards engaged in the battle, visited a cousin of theirs who was at work, a nonunion man, and advised him confidentially that this attack would be delivered the next morning and that upon the wiping out of these soldiers, the attack would proceed against the property where he was at work, and urging him to be absent on that day. The information was at once communicated to the superintendent of the mine by the employee so advised, and it was afterwards communicated to Maj. Hamrock. It seemed that while Louis Tikas was talking with Maj. Hamrock over the telephone, in the intervals of two conversations that he had——

Chairman WALSH (interrupting). Did you ever meet Mr. Tikas personally?

Mr. BOUGHTON. Oh, yes; I knew him quite well. We had him before the commission a number of times.

Chairman WALSH. Go ahead.

Mr. BOUGHTON. It seems that he was arguing with his armed Greeks, his armed compatriots, urging them to refrain from this intended attack. He finally got so far that he said they promised that they would refrain from any overt act until he had seen Hamrock.

Chairman WALSH. Who testified to that matter before your commission as to the conversation between these Greeks and Mr. Tikas?

Mr. BOUGHTON. I don't know that I can recall the names.

Chairman WALSH. Who testified to that, now, before the coroner's jury as to the conversation between the Greeks and Mr. Tikas?

Mr. BOUGHTON. I don't know that I can recall the name.

Chairman WALSH. Well, did some of the Greeks testify to it?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Go ahead.

Mr. BOUGHTON. After the major had telephoned for his detachment to come to the hill, Louis Tikas then called the major up a second time, after having the promise of his Greeks to refrain until he could call Maj. Hamrock. It is supposed that the conversation was overheard by somebody in the tent colony, for it is a known fact that all the wires in that vicinity are so tapped as that conversations over them are quite generally heard. I may pause to say here that that accounts for the episode, perhaps related to you by one of the tent-colony inhabitants here, that she heard telephone conversations between other people. She, of course, has determined for herself who those people were and what the conversation was. But, at any rate, at the close of the conversation between the commanding officer and his detachment, Louis Tikas called up the major and asked to see him at the depot, a neutral position, which was accepted; and Maj. Hamrock and Louis Tikas were in the depot talking; and Maj. Hamrock had with him a woman, who was complaining of the imprisonment of her husband, and Louis Tikas, upon seeing who the woman was, said that he recognized who she was and now knew who was meant by her husband; that he had been in the colony the day before but was not there then. About that time the commanding officer of the detachment coming from Cedar Hills rode up to report the arrival of his detachment on Water Tank Hill to the commanding officer at the depot. He was returned to his detachment. But he had gone but a very little ways when he hastily returned to the major inside of the depot, saying, "My God, Major! I wish you would look at these men" [indicating an easterly direction], and added, "We are in for it for sure." Thereupon Tikas and the major and

the officer came out of the depot and discovered the rest of the Greeks whom Tikas had left in the tent colony crossing the open space between the colony in an easterly direction to a railroad cut indicated upon the map. [Here witness indicates.] The chief cover in that country for any infantry report. It was told to us, and believe it to be true, that after Tikas left the tent colony to call upon Maj. Hamrock the appearance of the troops in plain view on Water Tank Hill so excited them that they forgot their promise to their leader to refrain until his return, and simply fled out. Tikas remarked to Maj. Hamrock as he left the depot, "I will call them back." And he ran toward the colony waving his arms to his Greeks to return, and saying with an oath, "What fools they are." He was unable to accomplish anything in that direction. The Greeks continued to cross the plains to the cut. Tikas evidently seeing that he could accomplish nothing further by way of restraint then went into the colony, where he was plainly seen shortly afterwards emerging with a gun in one hand and a field glass in the other. From that time forward he joined his compatriots and became a combatant in the day's events. During the crossing of the Greek contingent from the tent colony to the railroad cut, they were in plain view of the troops on Water Tank Hill. The troops there almost rebelled against their officers who were holding their fire. They vociferously urged that the Greeks, armed as they were, ought not to be permitted to take the cover of the railroad cut before the militiamen were permitted to open their fire upon them. However, they were successfully restrained. We get that from all sources. In the interim, and while the defiling was being made into the railroad cut, Maj. Hamrock called a second time to Cedar Hill, to the force that remained, ordering that they change their command to Water Tank Hill and bring along with them the machine gun that was kept at Cedar Hill. There had been constructed a couple of crude dynamite bombs. It had been arranged that these would be exploded if an attack of this kind was made as a signal to inhabitants of the coal-mining towns up the canyons that the attack had begun, in order that they might prepare themselves for what would follow.

Those bombs were exploded as they signaled, and that was the first explosion of the day. Almost at once, after the explosion of the bombs, the Greeks having obtained cover, opened fire upon the camp of the militia. During the crossing of the Greeks to the railroad cut the women and children from the tent colony were seen leaving the colony and hastening to an arroyo in the rear of the colony indicated upon the map. In our country that word means a dry creek, a dry deep creek. It is what ought to be a creek, but never is; it has not any water in it at all at any time of the year. This was from 10 to 20 feet deep at places, and 20 to 30 feet wide. Under the protection of the arroyo, the women and children of the colony were able by following the arroyo out to the plains to reach farmhouses and other places of safety at a great distance away. Armed men in large numbers were seen at the same time also seeking the cover of the arroyo. After the opening of the attack by Greeks in the railroad cut upon the soldiers, at once the whole arroyo in sight delivered a fusillade of shots. Those were answered by the 12 men in the tent and by the 22 men on Water Tank Hill, together with the machine gun at that place. From that time the history of the battle, so called, is a history of the advance of the 22 men on Water Tank Hill along the line of the railroad after dislodging the Greeks in the cut, without which, of course, the advance could not be begun. The advance of the 22 along the railroad passed the colony to the capture of the steel bridge over the arroyo and the taking of the arroyo. That was not accomplished until evening.

Early in the day three sorties were made by four men each from Water Tank Hill, in an effort to dislodge the Greeks in the cut. In one of the sorties a private soldier was wounded. When a sortie retreated, as it had to do, they tried to carry with them the wounded comrade. They had to abandon him under the cover of a bush. They were not able again to retrieve that ground.

Commissioner O'CONNELL. What do you mean by the private soldier?

Mr. BOUGHTON. A private soldier of the National Guard, one of the troop on Water Tank Hill. They were not able to recover that ground until afternoon. In the meantime the Greeks from the country had themselves made sorties against Water Tank Hill, and had arrived on two different occasions at about the spot where the private soldier had been left, the wounded soldier had been left. In the afternoon when this soldier was discovered he was found dead, his arms broken, his face mashed, and otherwise horribly mutilated.

In the afternoon the Greeks were dislodged from the railroad cut and the advance on the arroyo was commenced. That advance was covered by the

machine guns. The machine guns were not used against the tent colony. There is no fact better established than that. The tent colony has in front of it several wooden structures, a blacksmith shop, chicken coops, fences and posts, no one of which exhibits any shots from a machine gun, or from any other weapons, so far as that goes; whereas the fences along the railroad right of way, the water tanks, other buildings, are riddled with machine-gun bullets. The machine gun was used along the right of way of the railroad to cover the advance of the troops.

About 7 o'clock at night the advance had so far proceeded as to arrive at the crossroads, that is to say, at the tent colony itself. At that time the impact of a bullet with some high-explosive material inside one of the tents caused the tent to catch fire. The first was accidental in its origin. I shall show you afterwards that it was deliberately spread by members of the National Guard. Three tents exploded high in the air. Afterwards we took several thousand rounds, 19,000 rounds of ammunition out of the tent marked "Headquarters, John R. Lawson." The fire being under way, and our men having arrived close to the tent colony, it was then discovered by the officers that the tent colony contained women and children; screams were heard from inside the colony. You must know, gentlemen, ladies and gentlemen, that in front of the colony on all sides were located carefully constructed earthworks, rifle pits, constructed in such a position as that any return of the fire from them was drawn right into the colony.

Having taken the children and women over to the arroyo early in the morning, and discovering these rifle pits being used against us and drawing the fire of all of the troops into the tent colony itself, it could not be supposed that any women and children were in it, but upon our discovering that there were, and the tents having begun to burn, the officers of the National Guard made several passes into the colony for the purpose of removing them, in which they were successful. They removed in that way 36 women and children; reluctant in the doing of that rescue work the officers were constantly under fire from the arroyo and from the rear of the tents. Notwithstanding which, and the reluctance of the women and children to come out, 36 of them were removed. A great part of these were removed from cellars or dugouts constructed beneath the tents. One dugout in particular, that is depicted on the map accurately, was not discovered until Wednesday morning. It was almost sealed, hermetically sealed, and the entrance to it was concealed by furniture in the room. In that place, on Wednesday morning, there were removed, with one exception to be presently noted, the only people who died in the colony, the 2 women and 11 children who were found suffocated. There was not a mark on their bodies. They were not shot; they were not burned, or ever charred, and the position of the bodies in the remote corner of the dugout, and not in the entrance, evidenced that at the time they died they were not making any effort to crowd out into the air. Expert testimony before the board of officers is to the effect that the oxygen in this chamber was not sufficient to support the lives of 13 people, 2 of them adults, for more than two hours. They died probably early in the day. So later this morning, in almost every paper in New York there appears reiterated the assertion that women and children were killed, were burned, were shot, using all of those words, in the Ludlow tent colony. That is not a fact. It is common with some of those who have appeared before you, and whom I heard in Washington and in New York, at public gatherings, to use the word massacre, variously pronounced by the witnesses, and the impression that there was a massacre—

Chairman WALSH. I don't understand what you mean by variously pronounced massacre.

Mr. BOUGHTON. I think one of them pronounced it massacre.

Chairman WALSH. That would not affect anything except probably the lack of educational advantages of the ladies, would it?

Mr. BOUGHTON. I want it to be understood.

Chairman WALSH. Have you any feeling against her?

Mr. BOUGHTON. No, sir.

Chairman WALSH. Why do you call attention to her lack of education?

Mr. BOUGHTON. I wanted to call your attention to this fact—

Chairman WALSH. You thought we might be misled by the pronunciation?

Mr. BOUGHTON. I want to emphasize the particular word, because to me it seems important. There was no such thing as the Ludlow massacre. Nobody

was massacred at Ludlow. Nobody was killed at Ludlow in the tent colony or burned, with the one exception of a small child by the name of Snyder, who during the day, according to the statement of his father, made at the time he was holding the body of the dead child in his arms to officers of the National Guard in large numbers, was that the child had gone out of his tent in the afternoon, had faced toward the arroyo for a private purpose, and was shot in the forehead from the direction of the position of the tent colonist combatants; that he was not shot by the troops of the State. At that time the father's resentment seemed to run against the Greeks, who had precipitated the struggle in which his child was slain. A collection was taken up among the officers of the guard for this one man, who was destitute of all means of arriving at Trinidad, with a large family of children, and by that means he was enabled to take the train and go to Trinidad and not to walk over the hills as the other refugees did.

Chairman WALSH. How much did the collection amount to?

Mr. BOUGHTON. Eighteen dollars. After the rescue work had progressed and the women and children had been removed to places of safety——

Chairman WALSH. Major, were you present when the body of this child was taken away?

Mr. BOUGHTON. No, sir.

Chairman WALSH. From the colony?

Mr. BOUGHTON. No, sir. I have already answered that I was not present at all.

Chairman WALSH. You know of it?

Mr. BOUGHTON. No, sir; I am giving you a résumé of the testimony from all sources we have got it.

Chairman WALSH. Was there any testimony to the effect that the father carried the child on his shoulder?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. That is the way the child was removed, was it?

Mr. BOUGHTON. From the tent colony to the depot, I think so.

Chairman WALSH. Is there any contradiction of that?

Mr. BOUGHTON. I think not.

Mr. THOMPSON. I would like to ask at that point, Major, from whom did you get the testimony at your hearings?

Mr. BOUGHTON. I beg your pardon?

Mr. THOMPSON. From what kind of people, from whom did you get your testimony?

Mr. BOUGHTON. From all of the officers of the National Guard, from all of the enlisted men, privately examined. That is one out of the presence of the others, so that we could get all of the stories without their appearing any agreement or convention as to what should be told, and we discovered a great many things by that means. From the inhabitants of the town of Ludlow, who were in the main sympathizers with the colonists in their struggle industrially; from certain of the inhabitants of the tent colony; from the coroner and the transcript of the testimony adduced before his jury; from a physical examination of the field itself. I think that exhausts an enumeration of the means.

Mr. THOMPSON. In other words, there were no strikers or union representatives appeared or were heard at those inquests—at those inquiries?

Mr. BOUGHTON. As a matter of fact, there were none. We made every effort to obtain a number and that effort is progressing still. We urged the appearance of Mr. Lawson and Mr. McClinnon, in Denver, after our return, to tell what they knew or they could obtain for us. We urged the cooperation of their head man in Trinidad, who promised us that we should have it, but reconsidered his determination. A personal interview with Mr. McClinnon and Mr. John R. Lawson in Denver by one of our number, Gov. Danks. A personal request made of them was answered by their attorney in their presence—Mr. Harris N. Hawkins—that the official of the United Mine Workers must decline to supply us with any information they possessed, upon the ground that our hearings were not conducted in public.

Chairman WALSH. Are your hearings only adjourned now, Major?

Mr. BOUGHTON. Upon this feature they are closed; but it was a part of the recommendation of the board of officers, who did not feel itself constituted to determine the guilt or innocence of individuals, that a court-martial be organized and try all of the officers involved for every crime of which they had been accused in the newspapers, and that court-martial is progressing, ordered by the governor under our recommendation.

To resume: After the rescue work had progressed, which was attended with a number of incidents displaying real heroism—I do not hesitate to make that assertion on the part of some of the officers of the National Guard—and the tents being on fire the Greek leader, Louis Tikas, was taken personally, together with another officer of the local union by the name of Fyler about the same time. Then another person whose name I have not. These three prisoners were taken to the crossroads, where were a group of soldiers and unorganized enlisted men in civilian clothing, from the camp up Hastings Canyon. The cry went up from that group numbering 40 or 50.

The cry went up, "We have got Louey." It was proposed to hang up. And that proposition was so far carried into effect that a rope was obtained and thrown over a telegraph pole. At this point, at this time, a lieutenant of the guard, the one who is being particularly assailed, Lieut. K. E. Linderfelt, arrived. He said, "There will be no hanging here." He had to fight with his men in order to prevent, or to successfully prevent, the hanging of Tikas. He did not get into an altercation with Tikas himself. What they said is unimportant excepting—unless you would like to know it.

Chairman WALSH. Was anybody there except his own troop and Tikas?

Mr. BOUGHTON. Oh, yes. It so transpired that there are a number of officers in the National Guard who do not like Linderfelt, who happened to be in this group and who were ready to tell from an anti-Linderfelt standpoint all the incidents that occurred.

Chairman WALSH. Were there any of the Greeks there, any of Tikas's companions, or was he alone with Linderfelt and his soldiers?

Mr. BOUGHTON. No, sir. These three prisoners were there with their 40 or 50 captors; yes, sir.

Chairman WALSH. Then there were 3 prisoners and 40 or 50 soldiers?

Mr. BOUGHTON. Yes, sir. I am going now to an incident which is quite indefensible on the part of any National Guardsman. In the altercation between Tikas and Linderfelt, Linderfelt hit Tikas over the head with a Springfield rifle. It is true that it broke the stock of the rifle. This was shortly after. I believe that I owe this to Lieut. Linderfelt, to add at this point, that this was shortly after Lieut. Linderfelt had repeatedly risked his life by exposing himself to the fire of the adversaries in the rescue of their women and children. He did more in that respect than any other officer.

Chairman WALSH. Well, you say that in justice to him or in justification for him hitting Mr. Tikas?

Mr. BOUGHTON. That is all.

Chairman WALSH. Why do you mention it at that point; I just want to get your viewpoint?

Mr. BOUGHTON. Because, I think, having made the assertion that Lieut. Linderfelt's act in striking a prisoner of war is wholly indefensible, and having emphasized that at that place I think that it is just to Linderfelt to make mention at the same time of something that redounds to his credit.

Chairman WALSH. Now, at this point, what did you do with Linderfelt? What was the result of your trial of your body?

Mr. BOUGHTON. He is being court-martialed now for that.

Chairman WALSH. A decision has not been reached yet?

Mr. BOUGHTON. No, sir; I think the case is concluded on Linderfelt.

Chairman WALSH. But no finding on the court-martial?

Mr. BOUGHTON. It is part of military law you know that the findings of a court-martial can not be made public until they are approved by the reviewing authority; that is, the governor.

Chairman WALSH. Is it proper to state the findings have been made but not approved?

Mr. BOUGHTON. They can not state what the findings are.

Chairman WALSH. But is it proper for you to state now that findings have been made without stating what they are?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Findings have been made?

Mr. BOUGHTON. Yes, sir; that is my understanding; the findings have been made. This occurred since I left Colorado, within the last few days.

Chairman WALSH. Proceed, then, from the point where you left off.

Mr. BOUGHTON. After Tikas arose from the blow—he dropped to his knee, and after he arose from the blow Lieut. Linderfelt then carried Tikas and Fyler, the other prisoner, over to a noncommissioned officer, giving him strict

injunctions as to their safety, telling him that he would hold the noncommissioned officer responsible for Tikas's life.

Chairman WALSH. Where did Linderfelt get this rifle that he struck Mr. Tikas with?

Mr. BOUGHTON. Using it all day long, sir.

Chairman WALSH. He had been using a rifle himself?

Mr. BOUGHTON. Yes sir; we had so few men there that the officers had to get on the firing line. He then returned to the depot in the discharge of his duties, sir. After the departure of Lieut. Linderfelt you are to observe now that we are at the crossroads opposite the tent colony. That is where the incident occurred that I have just related. After the discharge of the lieutenant Tikas and Fyler, the other prisoner, were slain between the railroad track and the beginning of the tents. The evidence is conflicting, and we had so to report to the governor, as to how they came by their death. According to some, Tikas attempted to escape after a fire had been opened up from the rear of the tent colony upon the group at the crossroads, the group falling to the protection of the railroad bank; that when the fire started up there Tikas and the other prisoner made a dash into the tents and were caught between the fire of the troops and their adversaries and so killed. Another statement is that Tikas at least was compelled to run into that fire; that he was shoved over the embankment into the crossfire between the National Guard and their adversaries and so slain.

Chairman WALSH. Who testified to that?

Mr. BOUGHTON. Some—one officer that I know of and two or three enlisted men.

Chairman WALSH. Of your own troops?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Those were the ones that were prejudiced against Lieut. Linderfelt, were they?

Mr. BOUGHTON. That had it in for him.

Chairman WALSH. Those were the ones prejudiced?

Mr. BOUGHTON. No; I don't know that they are the same. I can explain that conflict quite easily. One of the enlisted men said that as he dropped to the ground behind the railroad bank—

Chairman WALSH (interrupting). As who, Mr. Tikas?

Mr. BOUGHTON. As he, the witness, dropped to the ground behind the railroad track he saw the man in charge of Tikas shove him over the bank. Others testified that as they dropped Tikas ran over the bank and that his captor, his custodian, made a grab for him to pull him back. That might easily be the same movement, but the evidence is so conflicting that we could not arrive at what the real fact was.

Chairman WALSH. The theory, then, of the testimony of one side, the witnesses's, was that Tikas was trying to escape under those circumstances?

Mr. BOUGHTON. Yes, sir; he was making a dash. It is only a short way, some 50 yards at most.

Chairman WALSH. To where?

Mr. BOUGHTON. Into the tents, to his own people.

Chairman WALSH. Was the fire going on at the time? Was it on fire?

Mr. BOUGHTON. Yes, sir; among the first of the tents.

Chairman WALSH. At that time of day was it?

Mr. BOUGHTON. Some time between 7 and 9 o'clock. We have great hardship in fixing the time.

Chairman WALSH. What date was it?

Mr. BOUGHTON. The day of April the 20th. Continuing, at any rate, the fact remains that these three men were killed between the railroad tracks and the beginning of the tents and that one of them was shot in the back and one was shot in front as they ran from the direction of the bank to the tent. Fyler was shot in front and Tikas shot in the back. The only piece of ammunition that was discovered in Tikas's body was of a kind not used by the National Guard; but that is explainable, because there were in the group of National Guardsmen at that time civilians from the coal-mining villages up the canyon, who had come to their assistance.

You must remember, gentlemen, that at the time this fight began it was 350 to 34.

Chairman WALSH. At the time of this fight where Mr. Tikas and the other two men were killed?

Mr. BOUGHTON. At the time of the beginning of the battle in the morning it was a 10 to 1 proposition. There were 350, at least, by a conservative estimate, of the adversaries armed. There were 34 militiamen, but during the day the militiamen were reinforced. They were reinforced from Trinidad with another machine gun, also placed on Water Tank Hill.

Chairman WALSH. How many were there of the National Guard at the time Mr. Tikas lost his life?

Mr. BOUGHTON. Of the National Guard and their allies, over 100. After the episode of the killing of Tikas, the battle proceeded to the taking of the steel bridge over the arroyo and the clearing of the arroyo; and that ended the engagement. The troops, about 10 o'clock at night, then returned to the tent colony, partially destroyed by fire. A brisk wind was blowing from the west, but the enlisted men and civilians—I will have to explain that term "civilians," because they also were enlisted but not organized as militia—entered the tent colony and deliberately spread the flames from one tent to another. That the whole tent colony would have been destroyed at some time during the night by fire unless efforts were made to put it out is quite apparent. But it was expedited by carrying flames from one tent to another.

Chairman WALSH. Where was this tent—where was, with reference to where the fire started, the tent in which the bodies were found upon the following day?

Mr. BOUGHTON. It is in the second or third row as it faces the county road. The county road is the road that crosses the railroad track at right angles, nearly—in the second or third row and near to the railroad track. In other words, it is in the corner of the tent colony made by the angle of the county road and the railroad.

Chairman WALSH. What did the testimony show, if anything, as to the time that tent was burned, with relation to the time that you say that the soldiers went down and spread the fire?

Mr. BOUGHTON. We could not ascertain at the coroner's jury in Trinidad—could not ascertain that. It is hard to determine just when any one tent was burned—particularly as that tent had no significance until discovery a couple of days later.

Commissioner O'CONNELL. What was the total number of tents in the camp?

Mr. BOUGHTON. Sir; I haven't that data.

Commissioner O'CONNELL. Approximately?

Mr. BOUGHTON. Oh, approximately, 100 tents; a large colony. It housed 1,200 people at one time; perhaps 800 there then.

Chairman WALSH. Proceed.

Mr. BOUGHTON. If I may be permitted now to explain the attitude of the National Guard, which throws considerable light upon this episode—the National Guard is composed of the small farmers, tradesmen, professional men of all sorts, artisans, and craftsmen, for the most part—citizens of the State of long standing. It has served under the call of the governor since the 28th of October, the men and officers abandoning their professions and their trades—ruining them. The men and officers have served out of sheer citizenship at a tremendous sacrifice to themselves, incurring the dangers of a peculiar kind of combat. They have not been paid this year. In large numbers of instances their service has been attended with downright suffering at home in their own affairs. They are engaged in keeping the peace endangered by a quarrel that is not theirs—that is wholly impersonal to them; and the governor of the State, at least, feels it due to that body to assert now by whatever means he can find to do it that he did not deliberately burn or murder or kill women and children at Ludlow, or at any other place, but on the contrary their chief efforts were directed, so far as women and children are concerned, to the saving of them from the flames, under the fire of their own people.

Chairman WALSH. Is that all, Mr. Boughton?

Mr. BOUGHTON. That is all, sir.

Chairman WALSH. Are there any questions anyone wishes to ask?

Commissioner O'CONNELL. Now, about this citizens' soldiery there; they are private—in the employ of the coal company?

Mr. BOUGHTON. Yes, sir.

Commissioner O'CONNELL. Did the military take jurisdiction over these people when they went on the ground?

Mr. BOUGHTON. Yes, sir; as well as they could. I will have to explain to you, sir, upon the withdrawal of the troops upon April 14, it was felt that the

Inhabitants of the coal-mining villages ought to have some sort of protection. The village of Hastings and the village of Delagua, lying up these canyons, had been shot up prior to the coming of the troops in October. Thousands of holes are exhibited in the dwelling houses around the mines at those places, which are a couple of miles away from the Ludlow tent colony. To leave those people utterly defenseless upon the withdrawal of the troops was thought improper. The general, therefore, enlisted the permanent inhabitants of those towns—because they are almost towns——

Commissioner O'CONNELL. How about the guards and watchmen of the coal companies?

Mr. BOUGHTON. I think, without exception, all those inhabitants of those towns were employees of those coal-mining companies.

Commissioner O'CONNELL. The question of citizenship, then—of a guard or watchman, for instance, who had been brought in to guard a mine or to watch for a coal company, the question of his citizenship, in the State of Colorado, for instance, was that questioned by your military powers?

Mr. BOUGHTON. Yes, sir.

Commissioner O'CONNELL. And if he was found to be a noncitizen of the State——

Mr. BOUGHTON (interrupting). He was not enlisted or accepted.

Commissioner O'CONNELL. But all the guards and watchmen may not have been enlisted, then?

Mr. BOUGHTON. Oh, that is true; some were and some were not.

Commissioner O'CONNELL. They were what you call the undrilled forces of the Army, as it were?

Mr. BOUGHTON. Yes; they were enlisted about the 14th of April. So recently were they organized that they had not been equipped with uniforms; they had not been equipped with arms; they had not elected their officers. There wasn't anything done but to take their oaths at the time that this occurrence came along on the 20th.

Commissioner O'CONNELL. What number of men were enlisted from such forces as that—this citizenry?

Mr. BOUGHTON. The membership of Troop A must be close to 100; but a part of that troop were recruited and enlisted in the same way and for the same reasons from other camps in that portion of the State. So that Troop A is divided up among three or four different camps there. There were 40 of them, I think—there were approximately, who came down the canyon to the assistance of the organized troops in this melee.

Commissioner O'CONNELL. In this melee in which these miners were killed?

Mr. BOUGHTON. Yes, sir.

Commissioner O'CONNELL. How many of the citizen soldiers were engaged in that struggle?

Mr. BOUGHTON. About 40 or 50.

Commissioner O'CONNELL. Outside of your regular enlisted men that were there with you when you came there?

Mr. BOUGHTON. About 40 or 50. Oh, I must not have got your question, sir.

Commissioner O'CONNELL. There were 30 of the troops, regularly enlisted Colorado troops there?

Mr. BOUGHTON. Thirty-four; sir.

Commissioner O'CONNELL. And in addition to that, how many privately enlisted men, or men that you picked up while you were there?

Mr. BOUGHTON. About 50.

Commissioner O'CONNELL. So there were a larger number of the companies' employees who had been enlisted in that struggle than regular troops?

Mr. BOUGHTON. Yes; during the day.

Commissioner O'CONNELL. At the time these three men were shot?

Mr. BOUGHTON. Yes, sir; that is correct.

Commissioner O'CONNELL. A larger number of citizens had not been in the military before that, before they were engaged in that battle?

Mr. BOUGHTON. Yes, sir; no doubt about that; sir.

Commissioner O'CONNELL. And all were employees of the coal companies?

Mr. BOUGHTON. I think they were; sir; I think they were.

Commissioner BALLARD. You spoke of the coroner's jury making an investigation.

Mr. BOUGHTON. Yes, sir.

Commissioner BALLARD. That coroner's jury, how was it selected?

Mr. BOUGHTON. It was selected by the coroner of Trinidad—of Las Animas County, in the usual way under the statute. He issues a subpoena or a summons to jurors, and assembles them.

Commissioner BALLARD. Was it accepted as a fair jury?

Mr. BOUGHTON. Sir, to answer that question, I will have to tell you that things in Colorado are variously accepted. They are accepted by one side or the other of the industrial conflict and the result would appear. But that coroner's jury sat under very, very trying circumstances in Trinidad. After the 20th of April the refugees went to Trinidad and established a tent colony at San Raphael Heights, a mile out of Trinidad, which had been the site of the militiamen. They paraded the streets of Trinidad with guns on their shoulders in large numbers, by the hundreds. Telegrams to the governor, which I have with me from scores of people of Trinidad, official and unofficial, tell the story of the terror under which the citizens of that town were laboring at that time and for days. Afterwards 138 armed men, by actual count, left San Raphael about 1 o'clock in the morning and marched 7 miles to Forbes and committed 9 murders and destroyed 37 mules wantonly by fire; destroyed the property and returned the 7 miles to Trinidad, paraded the streets of Trinidad with the guns upon their shoulders.

A few days after Ludlow, on the morning of the 3d or 4th, there was issued over the signatures of the leaders of these people a call to arms, which was published in the newspapers of that State widely. It urged the unions of all crafts and trades throughout the State to organize themselves into companies, to provide themselves by the union funds with arms, to send to W. T. Hickey, at a central office in Denver, the names of their captains—calling them captains—chosen by those companies with the number of available men that they could throw into the field to resist the militia of the State—frankly saying so. That call to arms was made in violation of an act of the Colorado Legislature of long standing, which prohibits the organizing of military companies in the State except only the National Guard. It was responded to; the call was responded to not only in Colorado but in Wyoming; the leaders each day published telegrams responding to the call in the Denver papers, from Wyoming, together with responses in about this language, that so many companies and so many men had volunteered for service against the troops in the State, that no further need was required from men in Wyoming.

Chairman WALSH. Is that actually the situation in Colorado?

Mr. BOUGHTON. That is actually the situation.

Chairman WALSH. At that time?

Mr. BOUGHTON. That was actually the situation. There was organized rebellion in the State to the sovereign authority of the State.

Chairman WALSH. So Colorado, as a matter of fact, is now in a state of open warfare, and if it was not for the Federal troops, why, the war would be going on; is that correct?

Mr. BOUGHTON. I personally am of the opinion that the war would not now be going on; that it would be suppressed by this time, even with the use of the State's own troops.

Chairman WALSH. So that you do not think it was necessary to have sent the United States troops in there?

Mr. BOUGHTON. Well, sir; that is a question that as an officer of the militia I am not at liberty to answer. That has been determined by the President of the United States.

Chairman WALSH. But, I mean, as a matter of fact you think that contest would be over now, if I understand you?

Mr. BOUGHTON. I think so; that it would.

Chairman WALSH. If the United States troops had not been sent in?

Mr. BOUGHTON. I feel so; that is, the military contest. I do not refer now to the industrial conflict which seems to be irreconcilable, sir.

I will refer now to a copy of the Rocky Mountain News of Thursday, April 21. This paper has a wide circulation throughout Colorado and the West. On page 2 of that paper, under the leaded type heading, "State unions armed to defend Ludlow," is the following quoted language addressed to "every labor organization in the State of Colorado." "Organize the men in your communities in companies of volunteers to protect the people of Colorado against the murder and cremation of men, women, and children by armed assassins employed by the coal corporations, serving in the guise of the State militia. Gather together for defensive purposes all arms and ammunition locally available. Send name of leader of your company and actual number of men

enlisted at once by wire, phone, or mail to W. T. Hickey, secretary of the State federation of labor. Hold all companies subject to order. All people having arms to spare for these defensive measures are requested to give them to local companies, and where no company exists to send them to the State federation of labor."

The call to arms, or to raise companies, is signed by John R. Lawson, John McLennan, E. L. Doyle, John Ramsay, W. T. Hickey, Earl Hooge, C. M. Moore, Clarence Moorhouse, Ernest Mills, who by the way is the secretary of the county organization of metalliferous mine workers.

Chairman WALSH. And the others are all union officials?

Mr. BOUGHTON. Yes, sir; and by George N. Taylor.

Commissioner BALLARD. You said that this tent colony had been searched and that on one of those occasions you found 19,000 rounds of ammunition; is that admitted by all sides as being true?

Mr. BOUGHTON. Oh, I think it must be; I never heard it disputed by anyone.

Commissioner BALLARD. In these various searches made, did you find guns?

Mr. BOUGHTON. Yes, sir.

Commissioner BALLARD. Did you find many?

Mr. BOUGHTON. No; I can explain that particular question very shortly. When the troops went into the field they went in under a very friendly feeling of the union people on strike. Troops in Colorado have been used, you know, deliberately in the past, apparently favoring each side of the affair. That is, under Gov. Waite, the troops were frankly used to aid the union people in their strike. Under other governors they have seemed to be used in another way. The union people——

Commissioner O'CONNELL. Did that apply in this case?

Mr. BOUGHTON. I am telling you what the history is to explain to you the attitude of the union people and the others.

Commissioner O'CONNELL. I say, would that apply in this case?

Mr. BOUGHTON. Oh, I think not, sir. Oh, I think it is a signal exception. When we went into the field the union people told us that they had the arms in their possession because of the mortal fear that they were in of aggressions by mine guards, similarly armed; that if the militia disarm the mine guards first, they felt they could persuade their people to surrender their arms. On the 1st of November all the mine guards were disarmed and sent out of the State, their places being taken by the troops themselves.

The disarmament of the mine guards proceeded very promptly and completely. A parade was then made of the troops, at the request of Lawson, at Ludlow, for the purpose of receiving the arms of the strikers as promised. Instead of the hundreds, and not thousands of arms that were to be turned over to the militia at that time, there were delivered only 28 rifles, almost all of them of obsolete manufacture; and the humor of that situation, I can describe it in no other way, was capped off by including a child's toy popgun. From that time, while a great many arms had been discovered and taken, I think in all 1,700 by the militia, it has been a game of hide and seek. Information would come that at a certain farmhouse there were concealed so many arms. A search would be made—perhaps arms would be discovered, perhaps not; and in so small a quantity the arms ran up to the number of 1,700 which were gathered.

The troops of the United States are having a similar experience. It is known that a very much larger quantity of arms is possessed by somebody in that part of the country than have been surrendered to the United States under the proclamation of the President.

Commissioner BALLARD. When you say that the militia had found and captured 1,700 rifles, more or less, what do you mean?

Mr. BOUGHTON. During the occupation, from October to April.

Commissioner BALLARD. And the 19,000 rounds of ammunition; what became of it?

Mr. BOUGHTON. That was incident to Ludlow——

Commissioner BALLARD. Where were they taken from?

Mr. BOUGHTON. The ammunition that could be used by the men similarly armed; that is, the civilians from Hastings and unorganized militia, there was distributed a great part of it which was received, and some part received merely as souvenirs as examples of the kind of ammunition which was being used, some of which I have. The greater part of it was destroyed; that is an invariable military rule. Such ammunition as you receive and can not use you destroy it.

Commissioner BALLARD. What became of the 1,700 rifles?

Mr. BOUGHTON. They are all accounted for by the Quartermaster's Department. A receipt is given in each instance where the gun is voluntarily given up.

Commissioner BALLARD. You spoke of the militiamen being friendly with the strikers; they went to their dances?

Mr. BOUGHTON. Not to their dances. That is a misstatement. They played ball with the men, but they did not frequent their dances.

Commissioner BALLARD. They did not?

Mr. BOUGHTON. No, sir; they were on friendly terms with them, exceedingly.

Commissioner BALLARD. Who built that camp?

Mr. BOUGHTON. Which camp?

Commissioner BALLARD. The one known as the Ludlow camp colony.

Mr. BOUGHTON. That was constructed by the union to house their people.

Commissioner BALLARD. Do you mean the United Mine Workers of America?

Mr. BOUGHTON. Yes sir.

Commissioner BALLARD. Where did the tents come from?

Mr. BOUGHTON. I don't know where they purchased them. They were all purchased and erected by the union out of the union's funds.

Commissioner BALLARD. Where did the union's funds come from?

Mr. BOUGHTON. It developed before the commission that the United Mine Workers of America have 420,000 members, each of whom is assessed 50 cents a month, except those on strike. Where there are no strikes you will see that that provides a revenue of \$210,000 per month, besides which they have a reserve fund, as testified to before us, by their leaders in the Indianapolis banks. Indianapolis is their international headquarters.

Commissioner O'CONNELL. You say they have a reserve fund of how much?

Mr. BOUGHTON. I don't know the amount, sir. It was stated before the commission at one time, about in January, perhaps, that the reserve fund amounted to over \$1,000,000.

Commissioner BALLARD. One of the witnesses yesterday testified that she was kept in jail, I think in the Ludlow jail, for some considerable length of time, perhaps 10 to 12 days, and her children were taken also with her in jail?

Mr. BOUGHTON. Yes, sir.

Commissioner BALLARD. Did anything come before your commission about that?

Mr. BOUGHTON. Yes, sir; that is a fact.

Commissioner BALLARD. Why were they in jail?

Mr. BOUGHTON. The children were not in jail.

Commissioner BALLARD. She said her children were in jail.

Commissioner HARRIMAN. No.

Commissioner GARRETSON. She said that she sent for them.

Commissioner BALLARD. Why were they kept there without any apparent right or authority?

Mr. BOUGHTON. That is quite a story. I think that is the Thomas case, is it not?

Commissioner BALLARD. Yes.

Mr. BOUGHTON. A Mrs. Thomas had been a disturber of the peace in Trinidad before the arrival of the troops in the field. Her husband was requested, upon complaint of Robert Uhrich, early in October; Robert Uhrich at that time was the head man of the union of Trinidad. An account of that incident was published in the Trinidad Advertiser. Coming to the defense of her spouse and resenting the account of his apprehension and detention by the civil authorities, Mrs. Thomas visited the Advertiser, announced that she came to destroy the editor, who was out, but that she would return, which she did. The editor returned in the meantime, obtained police protection, and Mrs. Thomas created a disturbance upon her arrival, armed with a gun to attack the editor. Other small infractions we were advised of by the civil authorities at the time, and that we came into the field to preserve the peace. At the time of what is known as the Mother Jones riot, about the 18th of January, this woman, who had been under surveillance for some considerable time, seemed to be the ringleader of the mob of women who precipitated that riot. For that reason, and for the acts that she committed upon that day, such as using her hands and fighting with the umbrella and the signs that they carried against the troops, she was taken. She had been cautioned before. She was taken as a police measure, as a peace measure, and detained in the city jail for about a dozen days I think. The city jail in Trinidad has a woman's ward,

It is a new structure, not over a couple of years old, and the place of Mrs. Thomas's confinement is not at all as I heard her describe it the other night in Washington.

Commissioner BALLARD. This battle, as I gathered, occurred on April 20. Was that the night that the tents were entirely destroyed? Or were they destroyed on Tuesday?

Mr. BOUGHTON. I am satisfied that all the destruction of the tents was accomplished that one night because the men expected a renewal of attack the next day, and early in the morning of the next day before dawn were posted at remote places of vantage far from the tent colony where they remained the greater part of the day.

Commissioner BALLARD. You say that those 1,700 rifles and 19,000 rounds of ammunition were taken from the various strikers at various times. How did those rifles get there? Were they sent there from the outside or did the miners take them in?

Mr. BOUGHTON. You have a mistaken impression about the 19,000 rounds of ammunition. That is only part of the ammunition recovered by the National Guard that day. That was all recovered on this one particular day at Ludlow. From time to time during the whole occupation we recovered other ammunition in large quantities. I can not give you any estimate. I haven't the data to do that.

Commissioner BALLARD. The question is, how did these arms and ammunition get there? Who brought them there, took them there, or sent them there?

Mr. BOUGHTON. That is something I haven't specific information on, for the reason that we have not been able to get it. The United States grand jury sitting at Pueblo indicted 20, I think, of those prominently connected with the movement for a conspiracy in restraint of trade, and evidence introduced before that grand jury, which was not available to us, as you know, is said by the United States attorney, from whom I have it, to reveal the source of the purchase of these arms. I do know that there is a law of the United States by which arms, Springfield, high-powered Springfield rifles, may be sold to gun clubs by the United States directly, and it is very easy to organize a gun club anywhere, whereupon you can get all the arms you want directly from the United States Government.

Commissioner BALLARD. Just one other question. You spoke of going to the tent colony because there was some man that had been confined there. I did not quite understand that. Did you use that expression?

Mr. BOUGHTON. Yes, sir.

Commissioner BALLARD. Confined by whom?

Mr. BOUGHTON. By the inhabitants of the colony. That may seem strange to you, sir, but it is not without precedent. Before the troops went into the field one of the reasons for the coming into the field at all was that men were taken and detained in the colony as prisoners, and when the sheriff would go after them he could not serve his process except with a fight and with a battle. That was the representation that the sheriff made to the governor.

Commissioner BALLARD. You mean nonunion men from the mines?

Mr. BOUGHTON. Yes. You see the tent colony is so located as to command the entrance to these two canyons. The workmen coming in and out, the people coming off the train from either direction, or getting on the train, must of necessity appear before that large tent colony population. Now, in Colorado we have a law that prohibits picketing. It is a broad statute. It makes it a crime, a misdemeanor, to threaten, intimidate, or persuade any workman to quit his employment. The tent colonies throughout the district—and there are quite a few of them—are all located in such particular positions that they command the ingress and egress into and from the mines.

Commissioner BALLARD. Well, who could have organized these tent colonies? Who got them up and established them?

Mr. BOUGHTON. They were all organized by the unions, the United Mine Workers of America, without exception. They are not a private enterprise by any means. They are organized.

Commissioner O'CONNELL. Did they live in company houses before that?

Mr. BOUGHTON. Yes, sir.

Commissioner O'CONNELL. Were they put out of company houses by the company?

Mr. BOUGHTON. I think they voluntarily left, sir. I think that has been testified to before the congressional committee.

Commissioner O'CONNELL. You are not sure of that?

Mr. BOUGHTON. I am not, sir. I am not clear about that. I have no concern with the industrial feature of the thing at all. I would like to add, if I may, to the version here of the awful Ludlow, the assertion that when the troops of the State were called out to go back into the field after Ludlow, after the organizing and arming of these companies of men to assist the troops of the State, then one leader at least, Mr. E. L. Doyle, sent out a warning of the coming of the troop train, whose language appeared to us to be rather irresistible. In the Denver Post of April 23 the telegram is contained under heading in leaded type, "Strikers send out warnings of the coming of the troop train. Addressed to Robert Holton, United Mine Workers, Trinidad; Charles Hunts, United Mine Workers, Wilsonburg; Thomas Scott, United Mine Workers, Florence. Three hundred and fifty militiamen left here on special train about 12.25 for strike district. Gen. Chase had command of the men at the depot. He is believed to have taken the 12.15 train, special, coming over Colorado Southern; consists of nine coaches, three baggage cars, one supposed to contain ammunition, and two machine guns. Engine 628. A Denver report says that a flat car with gatling guns will be placed in front of engine; also that men will detrain before reaching scene of conflict. In order that these militiamen with their two deadly machine guns may not repeat the horrible Ludlow massacre of women and children, we urge you to watch for their approach across country from the Hunter or by ordinary route. E. L. Doyle."

You must remember at this time that these companies everywhere had been organized, and this was a warning to the companies of the approach of the troops, of the approach of the troop train, describing it with its engine number and urging that it be intercepted and prevented from occupying the territory of the disturbed region, as I interpret the telegram. Now, in order to be quite sure that that telegram was authentic, I personally found the reporter of the Denver Post, a man by the name of Morris, who handled the story. He told me, and afterwards, I think, testified before the grand jury in Boulder to the same effect, that Mr. Doyle had handed him that telegram early in the morning of the 23d. The troop train did not leave until 12.25; that the hour for the departure of the troop train was in blank when he received it, and that he was requested by Mr. Doyle to give the telegram as wide publicity as he could and to insert in it when he knew the hour of departure of the troop train, the hour that should go in that blank. Upon that and other testimony a number of these gentlemen have been indicted for murder by the grand jury, civil grand jury, in Boulder. Indictments have been returned, you know, gentlemen, by the civil grand jury in Las Animas and Huerfano County and Boulder County and by two United States grand juries for various phases of this conflict. I am speaking now only of the political and military conflict, not at all of the industrial conflict.

Commissioner BALLARD. You appreciate that our commission has been appointed by Congress to inquire into the industrial unrest and try to make some recommendations therefor?

Mr. BOUGHTON. That is my understanding.

Commissioner BALLARD. Now, in a fair, honest, man to man way, do you think, as a man, as an individual, that the mine owners have given their miners the fair, honest treatment which the miners were entitled to before this strike last September?

Mr. BOUGHTON. Are you asking me now, sir, my personal opinion?

Commissioner BALLARD. Yes, sir.

Mr. BOUGHTON. I felt that at that time, from the facts that have come to my knowledge, and having no interest whatever in the industrial conflict, but from the facts that have come irresistibly to me, I feel that at the time the strike was called the miners enjoyed every one of their demands except one, recognition of the union, and of that there can be no doubt in the world. That that condition has not always been true, covering a period of the last 10 years, is equally beyond question. But at the time the strike was called, and possibly for a year or so before that time, the striking miners had received each one of the demands that they made except the first. It was because of that, sir, that the governor and the Secretary of Labor, Mr. Wilson, in conference in Denver, proposed to each side, at one time of the industrial conflict, that the operators yield the seven demands and that the workmen yield the one demand of recognition of the union. That proposal was accepted within the hour by the operators, but denied by the strikers. I have that correspondence of the governor here with me in the room to-day.

Commissioner BALLARD. I would like, Mr. Chairman, if you have your report of your commission, Mr. Boughton—was it published, your investigation down there, this committee of three; was that published?

Mr. BOUGHTON. It was published in the Rocky Mountain News and in the Denver Post, but so far as I can discern was not published in the East except in the Waterbury, Conn., Republican.

Commissioner BALLARD. I would like, Mr. Chairman, to have that filed with the commission.

Chairman WALSH. We have it in our report by our investigator. Did you care to ask some questions, Mrs. Harriman?

Commissioner HARRIMAN. I would like to ask the major the name of the lady who went to see the President last week. I think it was, or the beginning of this week, and said that conditions had been grossly exaggerated?

Mr. BOUGHTON. Yes, madam. That is Mrs. Helen L. Grenfel.

Commissioner HARRIMAN. Who was she speaking for?

Mr. BOUGHTON. I think on that mission she spoke for a society of women in Colorado, formed as a sort of expression of indignation against the conceived injustice of treatment of militia and of the State.

Commissioner HARRIMAN. Then do you consider that what she had to say was authentic? Do you agree with most of her statements?

Mr. BOUGHTON. Knowing that she is an officer of the State and that she has been in touch with Gen. Chase, I am pretty well satisfied that she has the facts to judge from; yes, madam.

Commissioner HARRIMAN. Didn't I understand from her testimony that she thought it would be very dangerous to withdraw the Federal troops, and asked the President to let them remain there?

Mr. BOUGHTON. That may be so; I think she did; I think that is the attitude of everybody in Colorado. That is the point upon which I have asked to be excused for expressing an opinion, don't you know?

Commissioner HARRIMAN. But you think that if the Federal troops had never gone in there that trouble would have been over by now; settled?

Mr. BOUGHTON. I think so—I have so much confidence, Mrs. Harriman, in the efficiency of the National Guard of Colorado that it is my personal opinion that had that guard remained in service that by this time that violence would have been suppressed, and a sullen, resentful peace, such as we had from October to April, would be reestablished by this time; but it would require, of course, the continued presence of the National Guard as it will now require the continued presence of the United States troops—one or another—in order to do that.

Commissioner HARRIMAN. Mrs. Grenfel made the statement, I think, that there were 500 guns or rifles in the tents. One of these women here yesterday said that they never had more than 40. I mean, the day of the battle, or whatever you call it?

Mr. BOUGHTON. Yes, madam.

Commissioner HARRIMAN. Which statement do you consider nearest the truth?

Mr. BOUGHTON. Oh, I am convinced that there were between three and four hundred stands, rounds, standard arms used by the colonists that day; whether they were inside the colony or were concealed in that arroyo and dug out for use that morning is a thing that I have no means of determining. They were used by the colonist inhabitants that day in that number.

Commissioner HARRIMAN. The day of this trouble the tent colony people fired the first shot?

Mr. BOUGHTON. Yes, madam.

Commissioner HARRIMAN. They were the aggressors?

Mr. BOUGHTON. Indubitably; yes.

Commissioner GARRETSON. Maj. Boughton, you referred to the fact that the formation of these military companies was in violation of the Colorado statutes?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. And that men have been indicted in connection therewith?

Mr. BOUGHTON. Yes, sir. We have this difficulty, sir, if you will permit me: Our Constitution, as it stands, defines treason—it defines, rather, what treason is not, saying that it consists only in the levying of war against the State or by adhering to its enemies, giving them aid and comfort. Supplemental to that we have no criminal statute defining treason or imposing a penalty for

it. We have a statute, however, that the common law of England, as it existed in the fourth year of the reign of James the First, shall be the common law of Colorado, where it is not repugnant to Colorado's constitution and laws.

Commissioner GARRETSON. The statute laws?

Mr. BOUGHTON. Yes. Now, of course, you know that the pains and penalties of treason as they existed in the reign of James the First are so atrocious, consisting of quartering and beheading, and exhibiting the head, and all that——

Commissioner GARRETSON. Drawing and quartering?

Mr. BOUGHTON (continuing). That it offends our constitution and customs. Consequently, we appear to have no penalty in Colorado, no enforceable penalty, for treason, so the indictments have been for murder.

Commissioner GARRETSON. According to some of the testimony that was given here yesterday, are you aware of the fact that drawing and quartering would have been mild in comparison with some things that are alleged to have been done?

Mr. BOUGHTON. Yes; I can easily understand that.

Commissioner GARRETSON. Coming back to the former question in regard to the forming of these military committees and this violation of the Colorado act, is it not true that the mine owners actually maintained military companies for a very considerable period, but did not pay any attention or send for the names or list of captains, but didn't they have an army of those maintained in the State?

Mr. BOUGHTON. Not organized; no, sir.

Commissioner GARRETSON. No?

Mr. BOUGHTON. No, sir; not in the sense——

Commissioner GARRETSON. What were these Baldwin men?

Mr. BOUGHTON. I am in a position to answer that question. During the entire time of the strike in Colorado there have been all told, in the entire State, 16 Baldwin-Phelps men, and no more. I have——

Commissioner GARRETSON (interrupting). How many outside of those?

Mr. BOUGHTON. I have made that investigation, and am able to state, because that point has been emphasized a great deal.

Commissioner GARRETSON. How many other gunmen?

Mr. BOUGHTON. That is another thing, sir. I have not been able to get anybody to define for me what they mean by gunman. If they will do that, I will try to answer the question.

Commissioner GARRETSON. A man who totes a gun for hire; put it that way.

Mr. BOUGHTON. In that sense the whole National Guard are gunmen.

Commissioner GARRETSON. For a private employer; I will go that much further.

Mr. BOUGHTON. An armed watchman or guard of the property?

Commissioner GARRETSON. The coal companies have had during, as I understand it, during the time that there were no militia in service in the State large numbers of such employees, whose functions were to guard their properties, and who were armed for that purpose. Any indictments for the maintenance of such armed guard as that? Have there been any such indictments of the mine owners?

Mr. BOUGHTON. No, sir; not that I am aware of. They were not organized into companies, sir, and they were not employed off the companies' own property.

Commissioner GARRETSON. Isn't it a matter of rather common acceptance in Colorado that the mine owners in any mine counties absolutely dominate the peace officers of those mine counties very largely?

Mr. BOUGHTON. That is a matter of popular belief, sir.

Commissioner GARRETSON. I mean of common acceptance.

Mr. BOUGHTON. No; I would not say common acceptance. I know it is one of those political cries that have persisted for years.

Commissioner GARRETSON. Don't you find it right, when you go up against the citizens of Colorado in that territory, that that is a common acceptance of that idea?

Mr. BOUGHTON. That there is in that territory?

Commissioner GARRETSON. Yes.

Mr. BOUGHTON. No, sir; it is indignantly repudiated down there among the better class of citizens, who have no community of interest with the workers at all. We found that to be so.

Commissioner GARRETSON. But, nevertheless, it is accepted by a very large element of the Colorado population who also have no connection with them?

Mr. BOUGHTON. A very large portion of the population of Colorado have that belief.

Commissioner GARRETSON. And they don't hesitate to express it, do they?

Mr. BOUGHTON. No. That thing has been made the political football for arguing aggressive points for years.

Commissioner GARRETSON. Doesn't the average labor man, union and non-union, look on the Colorado National Guard as a mine constabulary?

Mr. BOUGHTON. I think they do so. I think that unfortunate view of the National Guard is largely responsible for the awful results that have ensued.

Commissioner GARRETSON. And don't they regard the guards of the State as being an appendage to the mine owners, very largely?

Mr. BOUGHTON. No, sir; I can't say that they do; no, sir; they don't.

Commissioner GARRETSON. Don't they?

Mr. BOUGHTON. No, sir.

Commissioner GARRETSON. Did they give any expression—a large portion of the population of Colorado—to such a belief after the famous Supreme Court of Colorado evicted the men in 1904, taking them outside the lines of the State?

Mr. BOUGHTON. I know of no decision of the Supreme Court of Colorado evicting or seeking the eviction of the men.

Commissioner GARRETSON. Well, the State is badly slandered outside, then?

Mr. THOMPSON. It is, sir; there is no doubt of that in the world.

Commissioner GARRETSON. In that connection you said—you stated a little while ago that you were still on detail service of the National Guard?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. That is part of your mission here?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Sent by whom?

Mr. BOUGHTON. The governor of the State and my commanding general.

Commissioner GARRETSON. For what purpose?

Mr. BOUGHTON. For the purpose of testifying, as I am testifying before you to-day; of availing myself of every opportunity, by interviews with representatives of the trades or otherwise, in getting out the facts of the military occupation in Colorado, being careful to avoid a controversial attitude, and being careful, also, to avoid a discussion of the industrial situation.

The governor feels, and the general does, that he is under a duty to his own State and to other States to let the fact be known. He has supplied me with the means of demonstrating them and sent me forth to do what can be done in the way of correcting false impressions.

Commissioner GARRETSON. He thinks that is a military mission?

Mr. BOUGHTON. Well, you are asking me what the governor thinks. I am trying to tell you what the mission is.

Commissioner GARRETSON. To whom are you accredited, Major?

Mr. BOUGHTON. To whom?

Commissioner GARRETSON. Especially accredited to anybody?

Mr. BOUGHTON. No, sir.

Commissioner GARRETSON. Have you been in conference with any of the representatives of the mining interests here?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. The Colorado mining interests?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Have you had any conferences with the representatives of the owners of the mines?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. At 26 Broadway, for instance?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Or of the other Colorado—

Mr. BOUGHTON (interrupting). Before you pass that, sir—before we pass that let me say this—

Commissioner GARRETSON. I mean Broadway instead of Wall Street.

Mr. BOUGHTON. I have letters of introduction which I gathered up previously from all sources I could get in Colorado to all sorts of people—financial, political, journalistic, for want of any other term—anybody whom I thought could by introducing me further open the doors of publicity to the facts that I had to exploit.

Commissioner GARRETSON. You have had the same difficulty that the ladies yesterday complained of, that they could not get in the papers?

Mr. BOUGHTON. An audience; yes, sir; I suppose so.

Commissioner GARRETSON. You have been against the representatives of the Colorado Fuel & Iron Co., of course, among the others?

Mr. BOUGHTON. Sir, I really don't know which company it is that is concerned with it.

Commissioner GARRETSON. Well, their representative here, Mr. Ritter——

Mr. BOUGHTON. I don't know him.

Commissioner GARRETSON. Gates?

Mr. BOUGHTON. I don't know him.

Commissioner GARRETSON. Green?

Mr. BOUGHTON. I know Green.

Commissioner GARRETSON. Mr. Rockefeller, jr.?

Mr. BOUGHTON. I don't know him at all.

Commissioner GARRETSON. The Victor-American Co.?

Mr. BOUGHTON. I don't expect to see them.

Commissioner GARRETSON. The South Canyon Coal Co.?

Mr. BOUGHTON. I never heard of it.

Commissioner GARRETSON. The Utah Fuel Co.?

Mr. BOUGHTON. I don't know that company.

Commissioner GARRETSON. Mr. Jeffrey is the president of that company.

Mr. BOUGHTON. Jeffrey?

Commissioner GARRETSON. Yes; of the Denver & Rio Grande for several years.

Mr. BOUGHTON. I know of him; I don't know him.

Commissioner GARRETSON. Then it has been wholly the Colorado Fuel & Iron Co. that you have come in contact with?

Mr. BOUGHTON. It has been wholly with Mr. Green.

Commissioner GARRETSON. Have you seen any of the mine workers, any of the officers of the United Mine Workers in your mission East?

Mr. BOUGHTON. No, sir; not yet. I suppose, sir, that I have presented since I have been here half a dozen letters out of 50 that I have.

Commissioner GARRETSON. Have you any to the officers of the mine workers?

Mr. BOUGHTON. No, sir. In the nature of things, how could I have?

Commissioner GARRETSON. In the nature of things, why should you have to the other side? Are they both factors in the situation?

Mr. BOUGHTON. I am not concerned, sir, with the industrial conflict at all. I did this, I went to the meeting at the Murray Hill Lyceum here, I have attended their meetings in Washington. I do carry a letter, let me change that, I do carry a letter to a prominent member of the United Mine Workers of America, but not in New York, in Washington.

Commissioner GARRETSON. Do you carry it to him in his capacity of a prominent member of the mine workers or as a cabinet minister?

Mr. BOUGHTON. I think as a cabinet minister.

Commissioner GARRETSON. I judge that he is the most prominent member of that organization in Washington?

Mr. BOUGHTON. I think he is.

Commissioner GARRETSON. What was the cause of the creation of this investigating board of which you are chairman, Major?

Mr. BOUGHTON. The governor himself.

Commissioner GARRETSON. What compelled that action, or what impelled that action?

Mr. BOUGHTON. The statements in the Denver and other Colorado press that seemed to be inflaming the public mind. If the statements were false, the governor desired to be apprised absolutely of the fact in order to determine his future conduct.

Commissioner GARRETSON. Was it in any degree because of the fact that the public mind had already accredited a large part of the statements and it became necessary to take some such action?

Mr. BOUGHTON. Oh, no; I think not.

Commissioner GARRETSON. This committee was composed wholly of military?

Mr. BOUGHTON. It was composed of three officers of the State, sir, of the State's troops.

Commissioner GARRETSON. To investigate the militia?

Mr. BOUGHTON. To investigate the acts of the militia and the citizens and the colonists, to ascertain the facts.

Commissioner GARRETSON. If there were to be a real investigation of all those agencies, how does it come that only the one agency was represented thereon?

Mr. BOUGHTON. I don't—I am afraid I do not grasp your idea.

Commissioner GARRETSON. If you were going to investigate the acts, not only of the militia, but of the strikers, of the citizens, how did it come that strikers and citizens were not represented on the investigating committee?

Mr. BOUGHTON. Why, sir, we did not regard the matter as a controversy between a governmental and a State function, expressed through its National Guard, and either side of an industrial conflict.

Commissioner GARRETSON. It was an effort to allay, nevertheless, the inflamed mind of the public?

Mr. BOUGHTON. Was it, sir? It had that result.

Commissioner GARRETSON. It had?

Mr. BOUGHTON. But whether it was designed for that, I am not able to say. It is my opinion, personal opinion, that that was not the controlling reason for its appointment.

Commissioner GARRETSON. The public mind in Colorado is now perfectly serene, is it?

Mr. BOUGHTON. As to what? As to Ludlow?

Commissioner GARRETSON. As to the matters covered by that investigating committee.

Mr. BOUGHTON. I think the public mind of Colorado, if by that you mean the intelligent, mature mind of a majority of the people, is at rest as a result of that investigation.

Commissioner GARRETSON. Then the mission of Judge Lindsay, of Denver, a rather prominent Colorado citizen, is nothing but an expression of the riff-raff? It is not of the sober-minded citizen that he is representative?

Mr. BOUGHTON. I would like to be excused from answering that question. I have a strong personal feeling, but feel I ought not to answer the question.

Commissioner GARRETSON. We waive the question.

Mr. BOUGHTON. Thank you.

Commissioner GARRETSON. Before this examining board—I believe I am not misquoting you when you say that statements were made before it by many commissioned officers?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. By enlisted men?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. And I think in some instances by members of the communities, but none by the interested faction on the other side?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. The strikers?

Mr. BOUGHTON. Yes, sir. But let me add to that that McLennan, the president of the State federation of labor, in an interview which was published in the Rocky Mountain News, which has been the organ, of late—which has been the organ in that State expressing the views of the union people—stated that the report was a fair, honest, intelligent ascertainment of the truth, and that the State should be commended upon the discretion and evident nonpartisan effort of the officers made in arriving at their conclusions.

Commissioner GARRETSON. If Mr. McLennan—that is the name?

Mr. BOUGHTON. That is the name.

Commissioner GARRETSON. If Mr. McLennan had appeared before that board in an opposite form, the statements, for instance, would it have had more credence; would more credence have been given to Mr. McLennan's testimony than that of, we will say, one of the commissioned officers, or as much?

Mr. BOUGHTON. As much, I think.

Commissioner GARRETSON. As much?

Mr. BOUGHTON. Yes, sir. And Mr. McLennan was invited to appear, sir; was asked, urged to appear.

Commissioner GARRETSON. That might be. What would have been the status of the testimony of, for instance, Mrs. Jolly and Mrs. Thomas before that board? Would it have been received as worthy of credence?

Mr. BOUGHTON. It would have received, sir, in the light of the series of experiences that we have had with them. For instance, it would not have been believed that a number of women and children were concealed in a well 150 feet deep, so deep that they could not hear the approach of a freight train, and that they were removed from that well and taken under cover of the freight train to another place of safety while the freight train was passing. That, sir, is incredible. I know the well that is spoken of; I know the physical situation of it. That part of it would not be believed. There are other parts of the

story that would not be believed, if the testimony had been what I heard the lady state—not, however, under oath.

Commissioner GARRETSON. For instance, take the finding of 19,000 rounds of ammunition under the tent marked "Lawson."

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Would it have been possible to have made a plant there?

Mr. BOUGHTON. No, sir.

Commissioner GARRETSON. Utterly impossible?

Mr. BOUGHTON. No, sir; and besides that I do not believe Mr. Lawson denies that he had the ammunition.

Commissioner GARRETSON. I don't know whether he did or did not. Is it possible it could have been made there?

Mr. BOUGHTON. No, sir. He has given interview after interview telling how many arms he has got and how he has arranged for supplying the ammunition.

Commissioner GARRETSON. I have seen it. But would it have been possible to have made a plant under like conditions?

Mr. BOUGHTON. No, sir; it would not have been possible.

Commissioner GARRETSON. Because a thing like that might readily have been like the statement about the well, which I will confess I have not heard before. Simply on its face it might have borne its own——

Mr. BOUGHTON. Its own refutation.

Commissioner GARRETSON. Own refutation and reasonable doubt?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. You spoke of the fact that this officer called his 22 men together on to Water Tank Hill?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. And performed a drill there——

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Were the Greeks armed and hitting for the railroad cut to take advantage of the railroad situation in a moral measure?

Mr. BOUGHTON. Now that you have the facts, you are as able to draw the conclusion as I am.

Commissioner GARRETSON. I want to know if, in fact, they were not immoral instead of moral?

Mr. BOUGHTON. That is a matter of opinion for you to arrive at from the facts that I gave you.

Commissioner GARRETSON. I have arrived.

Mr. BOUGHTON. I have, too, sir. I can see now no morality, sir, in any situation that will bring about the fighting of private individuals, particularly when 90 per cent of them are not citizens of the United States, against the lawful defenders of a sovereign State, or lawfully armed, and about their lawful avocations.

Commissioner GARRETSON. I would not differ with you on many of the statements. I can not argue the cause with you, Major.

Mr. BOUGHTON. I do not want to argue, but you are asking me for a controversial statement, and that is the statement.

Commissioner GARRETSON. Now, in regard to the devotion that was shown by the militiamen, how long were you in the field?

Mr. BOUGHTON. From the 28th of October until the 19th of April.

Commissioner GARRETSON. Of 1913?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. You have abandoned your private business?

Mr. BOUGHTON. I have a partner, sir, but like every other officer and man in the guard, my practice had to shift for itself.

Commissioner GARRETSON. You were in the service of a mining company, under a retainer?

Mr. BOUGHTON. Yes, sir; but not coal.

Commissioner GARRETSON. Are not all the mining industries, whether metal-liferous, gold and silver, do not all those constitute the mine owners' association of Colorado?

Mr. BOUGHTON. Not at all. There is no such thing.

Commissioner GARRETSON. When did it pass out of existence?

Mr. BOUGHTON. They are not correlated at all.

Commissioner GARRETSON. When did the mine owners' association pass out of existence?

Mr. BOUGHTON. I don't know. There was an association of ores at Cripple Creek, a corporation.

Commissioner GARRETSON. I don't know whether it was a corporation.

Mr. BOUGHTON. It was.

Commissioner GARRETSON. At one time it was an association, voluntary in its character.

Mr. BOUGHTON. There was a voluntary association called, I think, the Cripple Creek District Mine Owners' & Operators' Association. That is an entirely different thing.

Commissioner GARRETSON. To paraphrase the language of the president, is there such an invisible association still existing?

Mr. BOUGHTON. No, sir.

Commissioner GARRETSON. Their morals have improved?

Mr. BOUGHTON. Well, sir, that is a matter of comment. I am testifying.

Commissioner GARRETSON. Which one of the mining companies are you retained by, Major?

Mr. BOUGHTON. All of them at Cripple Creek in the sense they are members.

Commissioner GARRETSON. Then it is the association at Cripple Creek that you are in the service of?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. That is all.

Commissioner LENNON. Under an annual salary?

Mr. BOUGHTON. A small retainer. The problem there is altogether different from any problem that the coal mining people have. It is a problem merely to suppress the theft of high-grade gold ore by the employees and that crops out in the courts there, and when it comes I take care of it, but that is all. In a very minor way am I related to the gold mining people, but it is a part of my practice.

Commissioner LENNON. Major, how soon after the arrival of the militia in the strike zone were arrests made without civil warrants?

Mr. BOUGHTON. Such arrests as have been made by the militia, and they have been made frequently and many, have all been made without civil warrants, and that extended from the very first of the occupation, on the 21st of October, up to the withdrawal of the troops in April.

Chairman WALSH. Were there some on the 28th of October? Commissioner Lennon's question was, upon what date after the time you came in was the first arrest made, without civil process?

Mr. BOUGHTON. Oh, sir, the first day or so.

Commissioner LENNON. The first day or so?

Mr. BOUGHTON. Yes, sir. I can not tell you which.

Commissioner LENNON. Were there from the appearance of the militia there not only arrests but charges made without hearing, or without the civil process of the law being complied with?

Mr. BOUGHTON. Oh, yes. You see the occupation was made, if you will allow me to answer the question fully, the occupation was made because the civil authorities, and only because the civil authorities had represented and certified to the governor the failure of civil process and their inability to accomplish anything by the usual means.

Commissioner LENNON. By what authority were the civil processes put out of business and the militia authorized to take this matter in hand themselves; by warrant of the governor?

Mr. BOUGHTON. Yes, sir. The executive order of the governor and the ordinary rules of law obtainable in such cases, as expressed by the courts of Colorado and other States, including the Supreme Court of the United States in the opinion of Justice Oliver Wendell Holmes in the 212 United States Report.

Commissioner LENNON. Has it ever else been made by people who were arrested to ascertain the reasons of their arrest and that have not been informed?

Mr. BOUGHTON. Oh, no.

Commissioner LENNON. Simply discharged without—

Mr. BOUGHTON. Oh, no. Let me tell you. The military commission was formed largely as a humane agency for the purpose of determining speedily who ought not be held as military prisoners. You can well understand that the commanding general, who is the only one who has authority to arrest or to release, having so much to do in a front 120 miles long, it often would transpire that he would not get around to an investigation, a personal investigation of the case of his prisoners for days and days. Now, to expedite the release of

these prisoners in cases of where their release was proper was the chief and the first reason for the establishment of the military commission.

Commissioner LENNON. Did this commission, when people were discharged, inform them as to the reasons for their arrest and why they were discharged?

Mr. BOUGHTON. Yes.

Commissioner LENNON. Was martial law declared down in that district at the time in the ordinary sense that that term is used?

Mr. BOUGHTON. It was not declared in so many words. In West Virginia they have a statute requiring a proclamation of martial law before the ordinary rules of martial law go into effect. They have no such statute in Colorado. The troops in the field under such an executive order as the governor made, a qualified martial law follows as an incidental matter, and the proclamation or notification that it so exists adds nothing to the fact, as pointed out in the opinion of Mr. Justice Steele.

Commissioner LENNON. On whose land was the Ludlow tent colony located?

Mr. BOUGHTON. On the land of an old gentleman who lives near the depot, and also of his daughter, I think her name is Oakley.

Commissioner LENNON. By what authority did the miners or the tent colony reside on that land?

Mr. BOUGHTON. The United Mine Workers of America hired the land for a year at the rental of \$150.

Commissioner LENNON. That, then, was their temporary home at any rate?

Mr. BOUGHTON. Yes, sir.

Commissioner LENNON. After having been rented?

Mr. BOUGHTON. Yes, sir.

Commissioner LENNON. Upon the arrival of the militia in the southern district shortly after or immediately after you began the disarmament of the strikers—

Mr. BOUGHTON. Yes, sir.

Commissioner LENNON. Very soon thereafter?

Mr. BOUGHTON. Yes, sir. We had disarmed the mine guards; yes, sir.

Commissioner LENNON. Were the mine guards disarmed with the same impartiality that you bestowed upon the miners who were on strike?

Mr. BOUGHTON. No, sir. The mine guards were completely disarmed. The strikers were not disarmed at all, sir. It was not our fault. It was our inability.

Commissioner LENNON. Did not those mine guards, or a goodly number of them, afterwards become quasi members of the militia or real member of the militia, to a large extent?

Mr. BOUGHTON. No, sir. In a dozen instances, exactly, when the mine guards were disarmed and discharged from their employment and sent out of the country, there were found 12 who, by reason of service in the United States Army or in the National Guard or of that or other States or in the Marine Corps, and whose discharge papers were of the right character, it seemed wise to enlist in the National Guard. Those 12 men were taken into the guard and distributed around among the companies.

Commissioner LENNON. At the time of the Ludlow difficulty were not the militia made up more of men who had been taken in in the strike zone down there than originally went from their home localities to that section of the country? Were not there more members of the militia on that day that had enlisted in that neighborhood or been taken into the militia than had gone from their homes?

Mr. BOUGHTON. No, sir. But this detachment that was left was composed of regular members of the militia from various companies. We tried when withdrawing the troops to avoid unnecessary hardships. We would ascertain, therefore, in each company those who were willing to remain, who, perhaps, had no wife and family at home to take care of, and such as desired to remain were all transferred, and constituted those 34.

Commissioner LENNON. You spoke of the demands made by the miners. I understood you to say that all of the demands were being complied with when they struck, except one. Do I remember you correctly?

Mr. BOUGHTON. Yes, sir.

Commissioner LENNON. How about the checkweighmen; was that being carried into effect?

Mr. BOUGHTON. That is my information, sir. There were no checkweighmen. You are now touching something that I am not expert about, but I am giving you such information as I have. The checkweighman was not an actuality

with every man. But the possibility of a checkweighman—I understood everywhere was a possibility.

Commissioner O'CONNELL. They were not there?

Mr. BOUGHTON. They could have been there, had the men elected.

Commissioner LENNON. Where was Tikas and Fyler and the other men when they were arrested? Where were they located as to your men?

Mr. BOUGHTON. They were arrested; Tikas was arrested at a small shed which contains a pump, called a pump house, between the crossroads and the steel bridge. Fyler was arrested near the steel bridge, between it and the pump house.

Commissioner LENNON. And the other men?

Mr. BOUGHTON. I haven't the exact point of his arrest. It is in that vicinity somewhere.

Commissioner LENNON. Did you see the body of Tikas at any time after his death?

Mr. BOUGHTON. I did not, sir. My information as to the physical condition of his body is from the coroner, who was put under oath and examined before our body.

Chairman WALSH. Does the report of the coroner's jury materially differ from that of the military board that made an investigation on the matter?

Mr. BOUGHTON. Not in the essentials. As to the events of the day, of course, there is a variance. As to what we found the facts to be, there is a variance with the facts as related by some before the coroner's jury.

Commissioner BALLARD. I want to ask you, if you please: You have been sent East by the governor and the military authorities and others to represent, to a certain extent, the side of the State in the East?

Mr. BOUGHTON. Yes, sir.

Commissioner BALLARD. And your expenses are being paid for that purpose?

Mr. BOUGHTON. Oh, by the State.

Commissioner BALLARD. You perhaps know that some ladies appeared before us yesterday—Mrs. Thomas and Mrs. Jolly—who are making a statement here also?

Mr. BOUGHTON. Yes.

Commissioner BALLARD. Do you know who is paying their expenses?

Mr. BOUGHTON. No, sir, I don't. My mission has nothing to do, of course, with the propaganda they are carrying on. In fact, I did not know they were on the way until I encountered them in Washington. I do not know them, and would not know them now, and do not believe they would know me if they saw me on the street.

Commissioner BALLARD. That is all.

Commissioner O'CONNELL. Was Mrs. Jones—generally known as Mother Jones—during your jurisdiction there arrested?

Mr. BOUGHTON. Yes, sir; she was detained as a police measure for a considerable length of time in Trinidad.

Commissioner O'CONNELL. How long was she detained, and under what circumstances?

Mr. BOUGHTON. You mean the reasons for her detention, or just the circumstances of her imprisonment?

Commissioner O'CONNELL. Her detention?

Mr. BOUGHTON. She was taken to San Raphael Hospital, which is a large hospital operated under the conduct of the Roman Catholic Church, and there detained in the care of the sisters, with, of course, military guard, during the whole time of her incarceration in Trinidad.

Commissioner O'CONNELL. She was taken out of that county in which Trinidad is to Denver by the officers of your militia?

Mr. BOUGHTON. No, sir. She was advised repeatedly that she was at liberty whenever she desired to leave that county; but we did not undertake to compel her to leave. So long as she remained in the disturbed regions, where her presence was a disturbing factor, in the opinion of those whose opinion controlled—I mean, the governor and the general—so long as she remained there she was detained in this hospital.

Commissioner O'CONNELL. Wasn't she accompanied to Denver by officers who represented the militia?

Mr. BOUGHTON. Yes. The time came when she expressed a desire to end her imprisonment in such way as that she might save her own face. She resented very much that she was not thrown into jail instead of being held in the hospital.

Commissioner O'CONNELL. And she returned again to Trinidad and was again arrested?

Mr. BOUGHTON. Yes, sir.

Chairman O'CONNELL. And she is now——

Mr. BOUGHTON (interrupting). When we withdrew the troops, then, of course, her imprisonment ended, and then she never—she didn't seem to want to return as long as there were no troops there; and she went to Washington instead.

Chairman WALSH. At this point the commission will adjourn until 2 o'clock this afternoon, in this room. Please return at 2 o'clock, Mr. Boughton.

(Thereupon at 2.45 p. m., Thursday, May 28, 1914, a recess was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

TESTIMONY OF LIEUT. COL. EDWARD J. BOUGHTON—Continued.

Chairman WALSH. The commission will please be in order. Maj. Boughton, was there some statement you wished to make or some little correction in your testimony?

Mr. BOUGHTON. Yes.

Chairman WALSH. You may do so now.

Mr. BOUGHTON. I wish to amplify an assertion of this morning that I feel I ought not to permit to stand and the possible inference that might be deduced from it. I had no letter of introduction to Mr. Green. Availing myself—a stranger in a strange land—of all possible approaches and publicity I called upon Mr. Green, after some difficulty in obtaining access to anyone there, and set forth my errand, asking him if he had the means of aiding me to a hearing. His reply was that he had not the means, but that the settled policy of the office in New York was one of noninterference with the officers of the concern in Colorado, and that he did not feel it proper to depart from that policy. The conversation was quite short, and I came away, and that incident was closed. I have not returned and am not going to return. I answered the question of Mr. Commissioner Garretson as to whether I had letters of introduction to any of the union leaders in New York, that in the nature of things I could not have. I meant by this: The men from whom I could have obtained any such letters at all in Colorado, as officers of the United Mine Workers, are in open armed rebellion to the constituted authorities of that State. It is my errand here, on behalf of the State to undeceive the public, if I can, as to the facts which are felt to have been deliberately misrepresented by those from whom alone I could have obtained any such letters. On the 28d of April, Mr. Lawson, who is the chief officer of that organization in Colorado, gave an authorized interview to the press in which he stated: "It has now become a war of extermination. We now have the sinews of war, backed by guns and ammunition and the faith, loyalty, and financial support of every union-labor man in the country, and we propose to carry the fight for recognition of the union and have the rights to fair treatment required in the law of the land respected."

That is the attitude of mind of those from whom or to whom I have to look for any such letters, Mr. Garretson. Here in New York the other night, if it is correctly reported in the New York papers, a man by the name of Lord, speaking as an officer of the same organization, announced that there were at this time 2,000 armed men in Colorado, and that when the militia returned there would be 50,000 for the purpose of resisting them in the enforcement of the peace—now, those words, of course, are not here; but in the performance of their duties. I take it, however, that all organizations of organized labor are not in rebellion against the constituted authority. I feel sure of that, and if I can obtain from any source, and perhaps from Mr. Garretson, any letters of introduction or other means of approach to the labor journals of this country, or if, as a commissioner, perhaps Mr. Garretson does not feel that he ought to do that, if he can in any way put me upon the track where I can get a channel for the facts, I shall be very grateful to him, as will also the governor, and we will take immediate advantage of any such introduction.

Commissioner GARRETSON. You state, Major, that these men are in armed rebellion, and consequently you could not avail yourself of their courtesies?

Mr. BOUGHTON. I could not get it. It would be futile.

Commissioner GARRETSON. What do you suppose that the English said about one G. Washington at a certain stage of the proceedings?

Mr. BOUGHTON. I think they said that he was in rebellion against the British Crown. I have no doubt of that—that they said that; yes.

Commissioner GARRETSON. Now, is it possible that the men who are—and I want to say to you, and I will say it not only as a commissioner but as a union man, that I have never seen or heard of the issuance of any matter on this subject from the mine workers or from any other source; and I can say that for a rather large union.

Mr. BOUGHTON. You have not been in Colorado; that is perfectly apparent.

Commissioner GARRETSON. Oh, I am speaking of the country over, because you read from Mr. Lawson's statement that every union man in the country was pledged—

Mr. BOUGHTON (interrupting). That is what Mr. Lawson said.

Commissioner GARRETSON. Sure; but I say, for one craft, that no such communications, no communications on that subject, have been received by that craft, unless it may be in Colorado. There I have not made investigation.

Mr. BOUGHTON. I think he means in Colorado.

Commissioner GARRETSON. But if those men are as firmly convinced that the laws of Colorado have been prostituted for the purpose of forcing what they believe is slavery upon them, may they not have equal justification to what our rebels had in 1776? Now, isn't that true?

Mr. BOUGHTON. Well, sir, now that is not for me to determine, sir.

Commissioner GARRETSON. Nor for me.

Mr. BOUGHTON. As a military man, as one engaged and pledged and under oath to support the constitution and laws of the State of Colorado, it is my duty only to preserve that State and constitution against aggression however justified, whether right or wrong, against the authority—the constituted authority of the State of Colorado—whether it is justified or not is not for me, situated as I am, to determine, sir.

Commissioner GARRETSON. Nor is it within your province to finally determine whether or not the laws and the constitution of the State of Colorado have been applied or outraged by the dominant government?

Mr. BOUGHTON. Not at all. That does not concern my mission. I am to defend those laws and that constitution.

Commissioner GARRETSON. As to the attitude of the citizenship of Colorado, in one form or another, what was the report of the women of the Colorado Peace League when they had some people on the ground and investigated by them? Did they say the practices of the State government, or did they say the laws had been misconstrued?

Mr. BOUGHTON. Aid me in determining which committee of ladies that was.

Commissioner GARRETSON. Well, the one who appears before the court-martial to-day—that lady.

Mr. BOUGHTON. Mrs. Lafferty?

Commissioner GARRETSON. Mrs. Lafferty.

Mr. BOUGHTON. No; it is my understanding that that particular committee of ladies condemned the militia and some of the officers of the State, I think, including the governor.

Commissioner GARRETSON. I thought so.

Mr. BOUGHTON. That was their viewpoint.

Commissioner GARRETSON. And it can not be claimed that the women of Colorado are not citizens in any sense?

Mr. BOUGHTON. They are citizens; that is true.

Commissioner GARRETSON. The fact is that their condemnation extended personally to a very large number of officers in the field and enlisted men in the field?

Mr. BOUGHTON. I don't know how large a number. I know that one was singled out for especial condemnation, and that is this Lieut. Linderfelt, by this committee composed as it was.

Commissioner GARRETSON. Yes. They went on the ground, and they hold that the attitude of the mine workers was justified?

Mr. BOUGHTON. You see—let me explain that to you. Men and women alike in Colorado on a question of this kind divide. One group is in sympathy with one side or the other of the industrial conflict. They form an organization, and they give it some such name as the peace league, or something—what is the name of the other one opposed to that?

Commissioner GARRETSON. I will give it up.

Mr. BOUGHTON. Well, there is another such name. Each side conducts its own investigation for itself, and finds facts such as their constituents anticipate that they will find. Now, it is the truth, sir, they carry from the Indies only the wealth that they take to the Indies. That is one reason why the governor directed this official nonpartisan investigation of its board of officers, a board composed, as he felt, of those who would command the confidence of the public, and in which, I think, he is not disappointed, as the report has been received by all sides and all classes in Colorado.

Commissioner GARRETSON. It has been received?

Mr. BOUGHTON. It has been received; the report has been received by all sides and classes in Colorado.

Commissioner GARRETSON. Well, in parliamentary phrase, when a report has been received, it is just before the body. So that your report, do you mean, is just before the public?

Mr. BOUGHTON. Yes.

Commissioner GARRETSON. Therefore, what have they decided in regard to the fact after they have considered this report? That is what I am trying to find. A body receives and expresses—

Mr. BOUGHTON. Judging from the expression of opinion concerning the report as contained in the newspapers, in the press, from all sides of the industrial conflict, from the people at large—and that is the only means I have of judging, I will say, sir, that it seems to have been received by the Colorado public as a final, nonpartisan, conservative expression of facts.

Commissioner GARRETSON. Do you mean to tell me that the people of Colorado—you referred to the report that was made by this examining board, of which you were chairman, consisting of yourself and Van Cise and Capt. Danks?

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Do you mean to leave the idea with this commission that that commission was nonpartisan, when composed wholly of military officers?

Mr. BOUGHTON. Decidedly so; decidedly.

Commissioner GARRETSON. Well!

Mr. BOUGHTON. In fact, in the common parlance, perhaps, we leaned over backward so far as it concerned the militia in the greatest effort toward fairness and justness to all concerned.

Commissioner GARRETSON. In having the belief, or desiring to leave the impression with the commission, is that a tribute to the—

Mr. BOUGHTON. Personnel of the board.

Commissioner GARRETSON. No—the childlike confidence of the board, or what?

Mr. BOUGHTON. No, sir; it is not a tribute at all; it is the statement of a fact.

Commissioner GARRETSON. Then it is a fact that the statements in regard to the situation there are wholly dependent on what the personal opinions of the individuals making the statements may be. For instance, a statement made by you is a reflection of the belief of yourself and the belief of those with whom you come into intimate contact; while the statement made by Mrs. Lafferty, for instance, is a statement of the belief of Mrs. Lafferty and those with whom she is in sympathy and comes in contact?

Mr. BOUGHTON. I see what you mean; yes, sir. The findings of the peace league committee reflected the opinion of that committee, founded upon facts they had before them to judge from.

Commissioner GARRETSON. The findings of a similar committee appointed by those who did not feel in the same way reflected a similar judgment from the facts that they had to go from?

Mr. BOUGHTON. Yes. The one was, as we found, as wide of the mark in some instances as the other. I think I can confidently say for myself and associates upon the board of officers, the greatest care having been taken by us to avoid all influences that seemed to have actuated these other committees who are so far apart in their findings, that our findings were not influenced or colored by either desire or instinct or training or belief.

Commissioner GARRETSON. What do you think Mrs. Lafferty would say?

Mr. BOUGHTON. We were all trained, I hope—at least, we were all attorneys, and I hope we were in some sort trained to discern the facts, true facts, and we set them down regardless of how they militated, sir.

Commissioner GARRETSON. Then you hold the opinion that the legal mind is trained to ascertain facts and to make them effective and never to utilize quibbles of law or technicalities in the conduct of its affairs?

Mr. BOUGHTON. I don't say that the legal mind does not oftentimes resort to it, but I do say that the legal mind, if it is such a thing, ought to be trained to the discernment of the facts.

Commissioner GARRETSON. Don't you believe that Mrs. Lafferty, if placed here upon the stand, would probably follow the same lines of reasoning when defining as to the facts that she and her associates had before them upon which their conclusion was based and as to the number of people in the State of Colorado who are in sympathy with their report as against those who were in sympathy with your report of your commission?

Mr. BOUGHTON. I don't find it within my province to criticize Mrs. Lafferty, the honesty of her judgment is not to be impugned, and I do not impugn it.

Commissioner GARRETSON. That is to say, your commission or Mrs. Lafferty's committee is in the position of the three tailors who came together and passed a series of resolutions: "We, the people of England," they were headed. Which is the people of England in this case, your commission or the element that Mrs. Lafferty represents?

Mr. BOUGHTON. You are asking me a question that can not be answered.

Commissioner GARRETSON. It is a question of numbers.

Mr. BOUGHTON. The commission that was constituted by the governor was a governmental agency and the other was a volunteer committee.

Commissioner GARRETSON. Now, here, Major—

Mr. BOUGHTON (interrupting). Just a minute, sir, if you will permit the interruption.

Commissioner GARRETSON. Yes.

Mr. BOUGHTON. Do not get the impression that any member of the board of officers are out of sympathy with the organization of labor in Colorado, so far as their strike was concerned. The hostility of any of us to that organization is only concerned with the organization coming in open rebellion and armed resistance to the constituted militia of the State.

Commissioner GARRETSON. Major, I will have to draw your attention to your own testimony as to personal belief.

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. And that was as to the industrial conditions that preceded the strike.

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. On that testimony alone—

Mr. BOUGHTON (interrupting). Well, what was it, sir? I don't know what you are referring to.

Commissioner GARRETSON. I am referring to the statement that you made that immediately preceding the strike and for, possibly, two years prior to that—

Mr. BOUGHTON (interrupting). Yes, sir.

Commissioner GARRETSON. Every demand of the strikers was granted except one, recognition of the union.

Mr. BOUGHTON. I think that is a fact, sir; that has been determined by my commanding chief, the governor.

Commissioner GARRETSON. That being the case, was your opinion—you expressed that as a personal opinion?

Mr. BOUGHTON. That is a fact.

Commissioner GARRETSON. That being the case, it is difficult indeed to arrive at a conclusion that at least one member of your commission had prejudged the industrial question that was connected therewith.

Mr. BOUGHTON. I don't see it so, sir, at all.

Commissioner GARRETSON. Well, that is my conclusion.

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Well, now, that is my conclusion.

Mr. BOUGHTON. Yes, sir.

Commissioner GARRETSON. Therefore, it takes—it becomes a question of personal conviction, Major. Have the people of Colorado, in general, ever expressed in any great numbers, or the press expressed, on their behalf, the belief that the commission was appointed for the purpose of covering up some of the things that were inflaming the public mind?

Mr. BOUGHTON. No, sir. May I have your aid, Mr. Garretson?

Commissioner GARRETSON. What is that?

Mr. BOUGHTON. May I have your aid, if I am here in New York, in the direction that I intimated?

Commissioner GARRETSON. Frankly, Major, if there is any individual man in the labor movement that I know that you want a letter of introduction to I shall be very glad to give it.

Mr. BOUGHTON. Thank you, sir.

Commissioner GARRETSON. But I want to qualify that with this: I will make it perfectly apparent at the same time that I do not subscribe to the opinions that you hold, nor to some of the information that you furnish.

Mr. BOUGHTON. Yes, sir. If I can get the avenues of publicity for the facts, I will let the people judge.

Commissioner GARRETSON. I won't give you a clean bill of health.

Mr. BOUGHTON. That is to be expected, Mr. Garretson, perhaps.

Commissioner HARRIMAN. Who owns the land where the mine camps are located?

Mr. BOUGHTON. In the instances of the three largest cases, the companies do. That is my understanding. The coal-operating companies.

Commissioner HARRIMAN. Well, now, what is the form of government in those camps?

Mr. BOUGHTON. They are unorganized; that is, they are not organized into towns under the towns and cities act. They are just groups of houses without streets, usually clustering around the public road that leads through the canyon.

Commissioner HARRIMAN. Well, they really have no organized form of government?

Mr. BOUGHTON. No.

Commissioner HARRIMAN. By whom are those mine guards employed?

Mr. BOUGHTON. By the mine companies.

Commissioner HARRIMAN. By the companies?

Mr. BOUGHTON. Yes, Madam, as a watchman is employed.

Commissioner HARRIMAN. What authority have they in the way of making arrests and keeping order?

Mr. BOUGHTON. I am informed that in the early stages of the strike, in the southern field and before the coming of the militia, almost all of such guards held commissions from the sheriffs of the county as deputies.

Commissioner HARRIMAN. From the sheriffs of the county?

Mr. BOUGHTON. Yes, Madam.

Commissioner HARRIMAN. What has been the attitude toward the entrance into the mining camps of agents and peddlers?

Mr. BOUGHTON. The attitude of the guard—the entrance to the property after the calling of the strike and the departure of former workmen was, as I understand it, very much restricted, Mrs. Harriman. Every person coming up the canyon was examined.

Commissioner HARRIMAN. Well, did that hold good as to State officials?

Mr. BOUGHTON. Well, yes, it did, in one or two instances that I know of. It did in the instance of a labor commissioner who appeared with an Italian by the name of Frank Manchini. That is all testified to before the congressional committee, and that is where I get my information. Frank Machini was deputized also by the commissioner of labor and his work, at least, that is the way the operators explain it, was to talk to the unionized Italian workers in the mine, and persuade them to cease work. When he appeared with other members of the commissioner's office, they were refused entrance to the property.

Commissioner HARRIMAN. Well, the union organizers, they are treated the same way, that same attitude, the guards have the same attitude?

Mr. BOUGHTON. Yes, sir.

Commissioner HARRIMAN. Well, are the rights of the people living in the camp similar to those living in incorporated towns?

Mr. BOUGHTON. Yes, sir.

Commissioner HARRIMAN. They have the same rights?

Mr. BOUGHTON. Yes, Madam.

Commissioner HARRIMAN. Has there ever been any complaint that the company guards interfered with the rights of the miners or their families?

Mr. BOUGHTON. To quite work?

Commissioner HARRIMAN. Yes.

Mr. BOUGHTON. Well, there has been a good deal of complaint. The complaint was made—we haven't had so much of that the last few months, but for a while the complaint was made almost every day that the nonunion employees desiring to quit work were compelled to remain at work in violation of the Federal act.

Commissioner HARRIMAN. That is the only way they interfered, was with the miners and their families, was where they wanted to quite work, the miner wanted to quit work?

Mr. BOUGHTON. I have not said, Mrs. Harriman, that that was true. You asked if there were complaints.

Commissioner HARRIMAN. I mean, would you think that that was true?

Mr. BOUGHTON. Well, the evidence is quite conflicting. There is a great mass of it introduced before the congressional committee on both sides.

Commissioner HARRIMAN. I see. Well, would you think that the presence of these guards in the camps has been the cause of irritation, some of the cause?

Mr. BOUGHTON. It undoubtedly has been a cause of irritation, and yet it has been hard to see how they could be dispensed with, how the dispensing with them could be complete, except by supplanting them with the State militia.

Commissioner HARRIMAN. That has always been the case before this trouble broke out, too?

Mr. BOUGHTON. Yes.

Commissioner HARRIMAN. The present trouble?

Mr. BOUGHTON. Yes. The guards, I think, were employed only upon the breaking out of the trouble—the strike, that is.

Commissioner HARRIMAN. Would you think that any peace is likely to be permanent where the industrial condition, the industrial conditions, where the only representatives of law are men in the pay of the company?

Mr. BOUGHTON. Not if that condition existed.

Commissioner HARRIMAN. Paid also by the company?

Mr. BOUGHTON. Not if that condition existed; I should say not.

Commissioner HARRIMAN. Isn't that what does exist—these guards?

Mr. BOUGHTON. At this time, Mrs. Harriman, there are no guards there now.

Commissioner HARRIMAN. In don't mean now.

Mr. BOUGHTON. Nor were there at any time during the occupancy of the region by the militia, but when there was no militia, no United States troops, then the guards were maintained on the property.

Commissioner HARRIMAN. That is what I mean; not before the occupation by the militia. You say, then, as I understand, the only means of keeping order was through these mine guards, and these guards are employed, aren't they, by the companies?

Mr. BOUGHTON. Yes, sir.

Commissioner HARRIMAN. Well, do you think it is likely that there will ever be any permanent peace while the only representatives of the law are men employed by the company?

Mr. BOUGHTON. Not while there is a strike present in the immediate vicinity—large group of men.

Commissioner HARRIMAN. I mean before the strike took place at any time?

Mr. BOUGHTON. There were no guards before the strike, Mrs. Harriman.

Commissioner HARRIMAN. But before the trouble. I don't mean the strike. I mean the acuteness, when they had what they call the massacre or war?

Mr. BOUGHTON. On April 20, you mean; this last episode; in the interregnum between the presence of troops?

Commissioner HARRIMAN. I mean the winter.

Mr. BOUGHTON. There were no guards during the winter.

Commissioner HARRIMAN. Not all winter?

Mr. BOUGHTON. Not after October 28, when they were disarmed and sent away by the militia.

Commissioner HARRIMAN. They were there before that?

Mr. BOUGHTON. Yes; from September, when the strike was called, and these large colonies of strikers were organized at the entrance to their canyons. Then the companies employed these armed guards upon their properties under the theory of protection against aggression at the point.

Commissioner HARRIMAN. Well, when they withdrew the troops the idea would be there would be no longer any armed guards there?

Mr. BOUGHTON. Well, if the troops are withdrawn, Mrs. Harriman—if there are no troops in the field—and the strikers remained in immediate proximity to the properties, the chances are the companies will reemploy mine guards; and that it is true it breeds trouble; there is no question about that, because they dislike each other very intensely.

Commissioner HARRIMAN. Well, that comes right back to the same question again. Do you think there is likely to ever be any peace as long as the only representatives of the law are these mine guards?

Mr. BOUGHTON. No, sir.

Commissioner HARRIMAN. Well, that is what I want to get.

Mr. BOUGHTON. So long as the strike continues.

Commissioner HARRIMAN. Well, isn't the strike likely to continue as long as that attitude is taken by the company?

Mr. BOUGHTON. I can't say.

Commissioner HARRIMAN. Of employing these men to——

Mr. BOUGHTON (interrupting). No; the guards are likely to continue as long as the strike continues. The strike is not likely to continue as long as the guards continue. It is the other way around.

Commissioner HARRIMAN. Is it likely there will be any permanent satisfaction on the part of the mine workers with their régime, where the inhabitants of the town are concerned, or whatever you call it, by men who are in the employ of the companies—the mine owners?

Mr. BOUGHTON. Lately we have not discerned any instances of claimed peonage. The claim was made, weekly and hourly almost, before the congressional committee met. When the congressional committee came to Colorado that mass of testimony was offered to it, but upon the adjournment of the committee we have not heard any more of it, for some reason or other, and the claim has not been made.

Commissioner LENNON. Before there was any contention in the district, say, two years ago, were not the sheriffs and the coroners and such peace officers as there were there employees of the companies, ex-employees of the companies, or people who were amenable to company influence?

Mr. BOUGHTON. Other than to say, sir, that there was a supposition used recurrently in every political campaign by some that that was true; I could not state the fact.

Chairman WALSH. I have a few questions to ask you. Was the inquiry which your board conducted a public or a private inquiry?

Mr. BOUGHTON. It was a private one, sir, for this reason: It was felt that we could not get the facts at all unless in a great number of instances we gave assurances to those that we had to depend upon for the facts that their names would not be exploited. There are inhabitants of that little place down there in between those two groups of combatants, and it was as much as their lives were worth to appear to tell anything to use about at—as seeming to take sides with one or the other.

Chairman WALSH. So that it was conducted in private for those reasons?

Mr. BOUGHTON. It was conducted in private; yes, sir.

Chairman WALSH. Now, in your testimony this morning you make this statement: "Tikas was shot in the back. The only piece of ammunition that was discovered in Tikas's body was of a kind not used by the National Guard, but that is explainable because there were in the group of National Guardsmen at that time civilians from the coal-mining villages up the canyon who had come to their assistance."

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Now, I will ask you, as Tikas ran or stumbled or was in a position in which he was when he was shot, who was behind him in a position that could have fired bullets into his back? First, how many men of the National Guard were there?

Mr. BOUGHTON. I think they were all members of the National Guard.

Chairman WALSH. How many——

Mr. BOUGHTON (interrupting). Forty or fifty.

Chairman WALSH. Now, do you make any distinction between the civilians from the coal-mining villages up the canyon and the National Guard?

Mr. BOUGHTON. Yes, sir. By those terms I refer to the ununiformed and merely enlisted men that I described this morning.

Chairman WALSH. How many civilians were there from the coal-mining villages up the canyon behind Mr. Tikas at the time he lost his life?

Mr. BOUGHTON. Forty; between 40 and 50, sir, has been estimated.

Chairman WALSH. And how many National Guardsmen?

Mr. BOUGHTON. About a dozen.

Chairman WALSH. So that there were about 54 or 55 people behind Mr. Tikas?

Mr. BOUGHTON. In that general direction; yes, sir.

Chairman WALSH. Now, these men were also members of the National Guard that you mentioned here as the civilians from up the canyon, were they?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. And they were also armed?

Mr. BOUGHTON. Yes; they were armed, but not with the militia arms, sir.

Chairman WALSH. So that the inference that we are to draw from this is perhaps that one piece of ammunition which you say was discovered in Mr. Tikas's body may or may not have come from a weapon in the hands of one of these ununiformed men that you call in your testimony civilians from the coal-mining villages?

Mr. BOUGHTON. Yes, sir; that is true, sir. The word "civilian" is, of course, inaccurate. I used it for want of another. Those were men in civilian clothes.

Chairman WALSH. But they were all National Guards?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Some with not as much experience as the others?

Mr. BOUGHTON. Yes.

Chairman WALSH. And a dozen of them, then, were what you call National Guardsmen and the others were the employees of the mining companies.

Mr. BOUGHTON. Yes, sir. Now, you ought not to infer too much in that direction, because the other wounds——

Chairman WALSH. Well, just a moment. I was just coming to that. Just let me ask you the question. I was just going to ask you. You don't want to leave that impression in that piece of testimony that there were not other wounds in his body?

Mr. BOUGHTON. No, sir; not at all.

Chairman WALSH. As a matter of fact, there were two bullet holes that went entirely through his body?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. And made by such weapons as your 12 men had?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. And most of these wounds were sufficient to have caused his death?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Either one of them?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. That is correct?

Mr. BOUGHTON. Yes, sir; and that is what I was going to explain.

Chairman WALSH. You were going to explain when?

Mr. BOUGHTON. In this examination of mine.

Chairman WALSH. And in this examination you were going to explain that?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Now, did Dr. Beshour testify before your commission?

Mr. BOUGHTON. No, sir; he testified before the coroner's jury.

Chairman WALSH. Now, in the testimony before the coroner's jury, in the trial or inquest held by the coroner, did you refuse to permit the military witnesses to testify under the examination of the district attorney of that county?

Mr. BOUGHTON. No, sir. I suggested to the sheriff that it seemed wise—inasmuch as the district attorney was accompanied by the attorney for the United Mine Workers of America—that the coroner himself conduct the examination, and we would open the doors to them and supply them with all the men they wanted to have.

Chairman WALSH. And did the sheriff communicate that to the coroner?

Mr. BOUGHTON. I communicated it to him in person.

Chairman WALSH. I thought you said you told the sheriff?

Mr. BOUGHTON. I said that to the coroner. If I said "sheriff," it should be corrected to "coroner."

Chairman WALSH. Were you there in your official capacity as major?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. In your military capacity?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. And how many soldiers did you have with you at that time?

Mr. BOUGHTON. I believe the coroner's jury came up to the camp at Ludlow after the expedition to Fremont County had left, which would mean that there remained some four or five companies of infantry, two troops of cavalry, and a portion of the field artillery, with the signal corps.

Chairman WALSH. How many soldiers were present when you made the suggestion to the coroner that the district attorney—was the district attorney regularly elected by the people?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Now, how many soldiers did you have right there with you when you suggested to the coroner that inasmuch as the district attorney was accompanied by the attorney of the United Mine Workers of America that the coroner should ask the questions?

Mr. BOUGHTON. None; as I remember, none.

Chairman WALSH. Was it in your camp?

Mr. BOUGHTON. Yes, sir; in the headquarter's tent. They were all present in the camp.

Chairman WALSH. How many soldiers were in your camp?

Mr. BOUGHTON. About 400.

Chairman WALSH. Was the coroner a civilian?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Armed or unarmed?

Mr. BOUGHTON. Oh, I could not tell you that.

Chairman WALSH. He adopted your suggestion?

Mr. BOUGHTON. It was a request. Well, judge what it was—I might say I made it as a suggestion. I remarked, "I suggest, Mr. Coroner, that you conduct this examination yourself. I will supply you with all the men you want"; and the coroner's jury there took part.

Chairman WALSH. Did you give the coroner any reason why you did not want the district attorney to ask the questions?

Mr. BOUGHTON. Mr. Chairman, the district attorney acquiesced in the suggestion with the statement that he felt the propriety of it.

Chairman WALSH. My question, however, Major, was—you probably missed it—was whether or not you told the coroner the reasons which you have given to the commission here why you did not—

Mr. BOUGHTON (interrupting). Yes; and I added to it—

Chairman WALSH (interrupting). That answers the question.

Mr. BOUGHTON (continuing). I added this, too, Mr. Chairman: I told him that it was at least unusual for a coroner's jury to investigate the military arm of the State concerning the deaths of those slain in battle, and told him that nevertheless we desired to afford him every facility for inquiry, but suggested that he do it himself.

Chairman WALSH. Up to that time had the district attorney examined other witnesses?

Mr. BOUGHTON. I could not answer you, sir.

Chairman WALSH. Was the district attorney undertaking to examine one of your witnesses at the time you made this statement?

Mr. BOUGHTON. I think not, sir. I think it preceded all examinations.

Chairman WALSH. Had you ascertained from any source that the district attorney of the county had been conducting any inquiry or examination of any witnesses up to that time?

Mr. BOUGHTON. I think not. I assume that that is it.

Chairman WALSH. Did you have any information upon which you grounded your assumption?

Mr. BOUGHTON. No; except it was the ordinary course for him to do it.

Chairman WALSH. You mean the ordinary course in Colorado where there had been conflicts between the workingmen and the militia?

Mr. BOUGHTON. No; not that. It is the ordinary course with every coroner's jury, in ordinary times of peace, when the peace officers of the county have not been superseded, for the district attorney to conduct the coroner's jury investigation.

Chairman WALSH. For the district attorney to conduct it?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. After you made that statement or request of the coroner, did the district attorney withdraw from the investigation at that time?

Mr. BOUGHTON. I believe that he did. I believe that he acquiesced then very graciously.

Chairman WALSH. Did he go away?

Mr. BOUGHTON. And shortly went away. He walked around—he and I walked around together—he and I and the attorney for the union. We walked around the camp together.

Chairman WALSH. You stated, I believe, that after a certain time upon that day that Mr. Tikas, the deceased, became a combatant—briefly state it as possible—what was the act that he committed?

Mr. BOUGHTON. The ascertained fact was that he went from the colony with his gun and his field glass and joined the Greeks in the railroad cut. When he was taken prisoner he had no rifle, but his pockets were full of ammunition.

Chairman WALSH. Is there any other act that you noticed upon which you based the statement in your direct examination that he had become a combatant?

Mr. BOUGHTON. I think not, sir; I don't recall any.

Chairman WALSH. What prisoners of war informed your officers that an attack had been planned for Easter Sunday? What were their names?

Mr. BOUGHTON. Sir, those are foreign names. I will be very glad to supply them to the commission if I can. They are not on the tip of my tongue at present.

Chairman WALSH. Was it William S-n-y-d-e-r?

Mr. BOUGHTON. I think he was one. He did say something of that kind; yes, sir.

Chairman WALSH. Can you remember any other person who said it?

Mr. BOUGHTON. Oh, yes. Yes, I can recall them—I visualize them quite plainly as they were telling their story.

Chairman WALSH. Well, the numbers, if you can approximate?

Mr. BOUGHTON. Oh, some three or four.

Chairman WALSH. Were you present when they told you this?

Mr. BOUGHTON. Yes.

Chairman WALSH. It was at the hearing, was it?

Mr. BOUGHTON. Yes.

Chairman WALSH. Now, was anyone else present except the three members of the commission?

Mr. BOUGHTON. In one instance that I recall there was an interpreter, but we found that we could not use him and that we could understand the witnesses ourselves better than with the interpreter.

Chairman WALSH. The strikers at that time were contending that a murder had been committed in the case of Louis Tikas and that a massacre had occurred in the Ludlow tent colony, were they not?

Mr. BOUGHTON. Yes; yes, sir.

Chairman WALSH. And among those accusers was a man named William Snyder?

Mr. BOUGHTON. I think not, sir.

Chairman WALSH. Was William Snyder the same man that the testimony showed carried his dead boy away on his shoulder?

Mr. BOUGHTON. Oh, I see what you mean now, sir. After the lapse of two or three days, so we are informed in the columns of the press, two different stories were told by him which did not agree with each other nor with the one he had told our officers that night.

Chairman WALSH. Well, what I was asking you was—getting to was—was William Snyder one of these men that was before your commission of three and made a statement that an attack had been planned for Easter Sunday?

Mr. BOUGHTON. No, no; he had gone to Trinidad, whither we were not permitted to go—the three of us—or rather did not dare to go. It would have been suicidal to go at that particular time. We relied upon testimony, singly examined, of the officers to whom we talked together at the time.

Chairman WALSH. When did William Snyder state to you that an attack had been planned for Easter Sunday?

Mr. BOUGHTON. He did not state that to me. I never saw Snyder that I know of.

Chairman WALSH. When did he state that to your officers?

Mr. BOUGHTON. I told you, Mr. Chairman, that it was my impression that he was among the number who made such a statement. I am not clear upon that now.

Chairman WALSH. Did you get from the same source of information later afterwards that Mr. Snyder said that he had been cursed and threatened by the soldiers; that he was in great fear of his life and very anxious to propitiate the militia at that time; and that he told what was not true and thereupon denied it?

Mr. BOUGHTON. I never heard that statement before, sir.

Chairman WALSH. It may not be correct. I am just asking you the question as to whether it is within your knowledge.

Mr. BOUGHTON. No, sir.

Chairman WALSH. Did you hear the testimony of a physician at the coroner's inquest, or did you read the testimony of a physician at the coroner's inquest, to the effect that the blow received upon the head by Mr. Tikas might have been sufficiently severe to have caused his death?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Even if he had not been wounded by the bullets?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. That was the blow that was struck by whom?

Mr. BOUGHTON. It may have been the blow struck by Linderfelt, and I may say that it is my opinion that it was. But there was considerable testimony before us that other blows were struck at Tikas.

Chairman WALSH. By other members of the militia?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Was he on the ground when he was struck or standing up?

Mr. BOUGHTON. Standing up.

Chairman WALSH. Did the testimony show you, upon which you based your conclusions this morning, that this man had been shot running or when he was lying down?

Mr. BOUGHTON. I don't know that we have any concrete evidence that would determine that or indicate which it was.

Chairman WALSH. Did the testimony show that the two bullets which went entirely through the body of Mr. Tikas entered the back at a point higher up than they emerged at the front of his body?

Mr. BOUGHTON. Yes.

Chairman WALSH. Which way was it—higher up or lower down?

Mr. BOUGHTON. Higher up, as I recall it, sir—higher up—shooting down from the embankment. He was a small man, Mr. Chairman—quite small.

Chairman WALSH. Quite small and unarmed?

Mr. BOUGHTON. At that time; yes, sir.

Chairman WALSH. You testified that only 16 Baldwin-Felts detectives were imported?

Mr. BOUGHTON. I did not say imported, sir. I don't know where they got them.

Chairman WALSH. Did I understand you to say that there were only 16 Baldwin-Felts detectives on this ground during the strike?

Mr. BOUGHTON. During the entire strike. In the course of my duties it became significant for me to ascertain that, because if it were true that that detective agency was supplying armed men from the purlieus of the large towns of this country, it would have been incumbent upon me to have stopped it. I went to the agent of that detective agency, A. C. Felts, who made an affidavit to that effect.

Chairman WALSH. Made an affidavit to what effect?

Mr. BOUGHTON. That only that number of men were employed by his agency at any time, and the same number of men at all times.

Chairman WALSH. Did he tell you when he made that affidavit, when you talked with him, that he made a distinction between employing them and gathering them up and sending them out to the mine owners who employed them?

Mr. BOUGHTON. I know he made this distinction: He said, "This does not include about as many more who are secret-service men, who are not armed at all, who are employed, perhaps, in the mines at work, and things of that kind, whose identity I don't want to disclose unless I have to"; and I could not see any reason why he should.

Chairman WALSH. Now, Mr. Felts said that to you?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Now, isn't that fact that during this trouble that Mr. Felts would go to Denver and other cities and send men to the mines where they would be employed by the operators so that they might say they were not Baldwin-Felts detectives?

Mr. BOUGHTON. No. It is true, however, as well as I can ascertain, that Felts was used by the coal operating companies to drum up men from the police departments of the large cities—ex-policemen and other men whose characters seemed to justify their employment in that capacity, according to their lights, and send them to the operating companies in some instances.

Chairman WALSH. How many of such men were sent in there, if you know?

Mr. BOUGHTON. I can not tell you, sir. He tells me himself—

Chairman WALSH (interrupting). Who tells you?

Mr. BOUGHTON. A. C. Felts.

Chairman WALSH. Did he tell it in your own inquiry?

Mr. BOUGHTON. No; he did not come up—

Chairman WALSH (interrupting). Well, as I understand it, you are not confining your statements to information from that source, but wherever you learned it?

Mr. BOUGHTON. No; I am trying to answer you. No; he told me that he had done that for the companies in quite a number of instances; but that, as compared with the total number of the mine guards employed, he had to do with only a small portion of them.

Chairman WALSH. Did you read the testimony given before the congressional committee by Mr. Felts?

Mr. BOUGHTON. I don't know that I read it. I heard about it.

Chairman WALSH. Did you read the statement from the testimony before the congressional committee to the effect that while there were only 16 of the Baldwin-Felts men on the ground, that most of the mine guards had been selected by Mr. Felts by going around to the different cities of the country and engaging them for service, or arranging them for service, and then sending them into Colorado to be employed by the mine owners?

Mr. BOUGHTON. I don't recall that, sir; but that testimony was given before the employment of the guards the last time, you know.

Chairman WALSH. I see. Now, in the association of metalliferous miners, for which you have been and are still an attorney, are any of the companies located at Creede in that organization?

Mr. BOUGHTON. Not at all; not one.

Chairman WALSH. You don't represent any of those?

Mr. BOUGHTON. No, sir.

Chairman WALSH. Do you know W. P. Ward, of 15 Broad Street, New York, director of the Colorado Fuel & Iron Co.?

Mr. BOUGHTON. I never heard of him.

Chairman WALSH. Is the Last Dollar Gold Mining Co., of Cripple Creek, one of your companies for whom you work?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Did you never hear that W. P. Ward was president of the Last Dollar Gold Mining Co., of Cripple Creek, Colo.?

Mr. BOUGHTON. No; but I would not know the president and officers—particularly if they do not reside in Colorado—of those companies. You see there are some 200 companies there in Cripple Creek, all holding a membership in this central organization formed for a quite limited purpose. Now, my dealings are with the association as such.

Chairman WALSH. What individual employs you as attorney?

Mr. BOUGHTON. The corporation known as the mine owners' association.

Chairman WALSH. Read that question.

The REPORTER. What individual employs you as attorney?

Chairman WALSH. For this corporation? What human being makes the contract?

Mr. BOUGHTON. The president, Mr. E. A. Colburn. He is also president of the Ajax Gold Mining Co., one of the constituent members.

Chairman WALSH. And is your compensation paid by check or currency?

Mr. BOUGHTON. It is paid by check.

Chairman WALSH. And does it come from the treasurer of that association in Cripple Creek or elsewhere?

Mr. BOUGHTON. In Cripple Creek, sir; from the organization, signed by the president and secretary.

Chairman WALSH. Do you know who the directors of the large constituent companies are who are in your organization at Cripple Creek?

Mr. BOUGHTON. Oh, I know some, but a very few, sir.

Chairman WALSH. Do you know any of the directors or officials—general officials, or general officers—of the Cripple Creek companies that are also officers of companies in the field where this controversy is going on?

Mr. BOUGHTON. Not one, sir. I was under the impression that there were none.

Chairman WALSH. If it is a fact that W. P. Ward, of 15 Broad Street, New York City, is a director in the Colorado Fuel & Iron Co., and also president and director in the Last Dollar Gold Mining Co., of Cripple Creek, which you say is one of the constituent members of the association which employs you, are you aware of it?

Mr. BOUGHTON. Not aware of it, sir; and it would have no significance.

Chairman WALSH. That is all, thank you, Major. Oh, I want to ask you another question. Now, this hearing was rather precipitate, as the ladies came here yesterday and wanted to be heard, and we thought it was fair to hear you also in behalf of the militia and the people whom you represent. And we will, of course, make a full and deeper investigation into these facts. Now, how long do you expect to be in New York?

Mr. BOUGHTON. I hope to be able to accomplish something in the direction of my errand within a week.

Chairman WALSH. Within a week. Now, during that week, will you be at your present address at the Waldorf?

Mr. BOUGHTON. Yes, sir.

Chairman WALSH. Would you be kind enough, if it is not too much trouble, to give to Mr. B. M. Manly, as our director of public hearings, your card so he may get in touch with you and get the names of all witnesses whom you think would make competent witnesses as to the facts when we get to Colorado?

Mr. BOUGHTON. Yes, sir; yes, sir; gladly.

Chairman WALSH. Who is the president of the mine owners' association?

Mr. BOUGHTON. E. A. Colburn, of Denver.

Chairman WALSH. That is all, Mr. Boughton, thank you. Mr. Manly will communicate with you, Major, and we are very much obliged.

Judge LINDSEY. I can answer that publicly or privately.

TESTIMONY OF JUDGE BEN B. LINDSEY.

Mr. THOMPSON. Now, just for the purpose of making our record, I will ask you a few preliminary questions. Your name?

Judge LINDSEY. My name is Ben B. Lindsey.

Mr. THOMPSON. Your address?

Judge LINDSEY. Denver, Colo.

Mr. THOMPSON. And your profession or—

Judge LINDSEY. I am a lawyer, a judge on the bench, and have been for 15 years or thereabouts, in the city of Denver.

Mr. THOMPSON. Now, you may go on with your story.

Judge LINDSEY. I will try, Mr. Chairman, to make my story as connected as possible; but unless I should be misunderstood, I first wish to make a statement as to the statement made by the gentleman who has preceded me, which I think is a good illustration of much of the misunderstanding which grows out of an unfortunate situation like that which you are asked to hear some evidence about.

He read from a newspaper saying that a Mr. Lord, representing the miners, had stated that there were 2,000 men, miners, and if necessary there would be 50,000 more ready to resist the militia. The gentleman did not state what Mr. Lord said, neither did the newspapers that he read from state what Mr. Lord said. Mr. Lord said, for I was present when he said, that if the tactics pursued by certain men in the militia that brought about the murders, as he expressed it and claimed, of women and children were repeated in Colorado that there were in that case 2,000 men who had red blood enough in their veins to resist that sort of encroachment under whatever name it might be called, and that there were 50,000 men in this country who were willing to join.

Now, that is an entirely different statement from that which the gentleman read and the statement which he would have this commission to believe is true. I merely mention it as a good illustration of how Mr. Lawson could have been misquoted and misrepresented by the paper from which he [the witness Boughton] read.

I have talked personally with Mr. Lawson within the last fortnight or so, just before I left Denver. I have talked with Mr. Lawson in the presence of men of the most radical type, who proposed or suggested things that I have heard Mr. Lawson fight against and talk against, and the statements made to me by Mr. Lawson are quite contradictory of the statement the gentleman read from the newspaper purporting to be made by Mr. Lawson. Since I left Denver and since I have been in this city I have found myself misquoted on several different occasions and things put into my mouth that I never said, things put into my mouth that I could not have said; and I wish to state to this commission, because of this fact of which I am a witness, having heard Mr. Lord, that it go very slow in accepting statements made in the newspapers. I have a statement in the Pueblo Chieftain of May 3 that I could offer to this commission,

two or three columns, in which it is stated that a certain prominent citizen of Colorado said that the thing to be done with men like myself was that they should be killed—k-i-l-l-e-d-. I am not going to claim that those men who are making inflammatory statements of that kind are trying to stir up a sentiment among certain individuals that will bring about my own murder, yet that will be found in the Pueblo Chieftain of May 3, which is supposed to be the official organ, in so far as they have any official organ, of the Colorado Fuel & Iron Co. Now, so much for that.

I would like to state, or make some general statements, about the situation down there, or about my mission here. I came to Colorado when I was a small boy about 10 or 11 years of age. I have lived there for 30 years. I know the politics of our State. I know something of the industrial conditions of our State. I know the struggles in the legislature in our State, and I want to say this question in Colorado is a bigger question than a mere question of a strike. It has got beyond that. It is a great political and industrial struggle. It is not local; it is national. The symptoms may be local, like a boil which comes from the humor of the blood, working out that poison. It has broken out in Colorado at one time; it has broken out in Michigan at another time; in West Virginia at another time; in Pennsylvania at another time. It is going to keep on breaking out as long as we continue to put salve on the sore and do nothing to cure the humor in the blood. By that I mean you have got to go deeply into fundamental questions concerning rights of property and the rights of humanity. And I would like to give a few concrete illustrations, if I may with your permission, to explain to you why I am interested as a citizen in these questions and why I think I have a right to come to this commission from the people of Colorado and to the President of the United States and the people of the East.

In the first place, I have been judge of the children's court anyway 15 years. I have helped to establish those courts in this city and in nearly every city in this country. But I know how futile and absurd that sort of work is if it stopped there. For an example, this court deals with dependent children as well as delinquent children. Numbers of dependent children come to those courts every year—increasing numbers—and we are not going to help them by sitting on a bench and trying these cases. For instance, in Colorado the official report issued by the secretary of the board of charities and corrections, taken from the coal-mine inspectors' reports, showing that in the space of about four years, limited to three or four counties in the State of Colorado where coal is mined, nearly 700 little children were made orphans or fatherless and dependents because of explosions in these coal mines, a large number of which, if indeed not the greater number of which, might have been avoided had the ordinary safety appliances been employed that are employed in other countries, where such accidents are as 1 to 3 as compared with the number in this country. The testimony seems to be undisputed, as I understand, and there is much evidence to prove it if it is disputed, that about three times as many men are blown up in the coal mines of Colorado as are blown up in the coal mines in other States, and the claim of the men is that it is due largely to incompetence; that it is due largely to carelessness; that it is due largely to unwillingness to use the dividends, or rather to use the money, to purchase and install the safety appliances that ought to be installed and to the control of public officials or the refusal to permit public officials to inspect these mines.

I have talked with labor inspectors in Colorado. I have read their testimony, and I can say to you that they have been refused, and indignantly refused, the right to inspect some of these mines and that accidents have occurred and the fathers of children have been hurled into eternity because of this lawlessness on the part of the Colorado Fuel & Iron Co. And I want to say here publicly, knowing whereof I speak, and being familiar with the political conditions in Colorado, that there are no more lawless public-service corporations in the history of States than those in the State of Colorado, first fighting to the death every measure designed to aid social and industrial justice by every method within their power, seeking to blind the people to the necessity of these measures, if you please, by such men as E. A. Colburn, president of this miners' association, who is also president of the children's aid society, if you please, and president of the State board for child and animal protection, and who had been for many years. And the State board of child and animal protection, through its agents have fought to the death a child-labor law to take little children out of those mines and coke ovens, when at the same time they have arrested men in those mines for beating a mule. It is a mighty spectacular

thing to arrest a man for cruelty to a mule, and everybody approves and applauds that, but it is a different thing when Mr. Colburn's society for the protection of children and animals from cruelty does everything it possibly can through agents, as confessed in their own magazines, to defeat a law to take the little children out of the coke ovens and the mines in Colorado. That I assert and that I am prepared to prove. That is only one of the many, many facts that caused these men to have no respect for the men who prate about religion and philanthropy and charity and who are using that as a blind to cover up their fight against real constructive programs to get rid eventually of the kind of struggle we are having in Colorado. The situation in Colorado is not fully understood throughout the country. I could give you many illustrations from my own court records.

Here is a poor woman who is pounced on by the State bureau of child and animal protection and brought into my court in an effort to take away her children, and I find that her husband is killed in the mills, if you please, and she is supposed to live in a two-room house, and she takes a boarder, and because of these conditions they say it is an immoral condition, for she is not married to the boarder, and they must take the children away. It would be very nice for me to sit on the bench and aid in a plan to take away her children and send them off to a children's home, where they can be adopted out the next day and she will never know what became of them—no more right to know than a dog, a condition as bad as any in slavery times, when they took the children away from their mothers and sold them into slavery.

I say you have got to go deep, and I went deep into that case, sir, and the testimony taken at that time in my court shows that the railroad company paid that mother a few hundred dollars after her husband was killed in the smelter mill. And I wanted to know why the railroad company paid her these few hundred dollars, and I found out that her husband had worked in the smelter mills and worked there 16 years for 11 or 12 hours a day during the days when they had the eight-hour law. And I said, "How is it that the railroad company can pay you any money?" And up steps a man from the smelter mills and says in my court that is very simple. Under the eight-hour law, when that was passed it applied only to men working in mills and mines. It did not apply to a man working on a railroad. So we changed the pay roll of the men working on the slag piles from the smelter company to the railroad company, where they could work 12 hours, if you please, without violating the law. Do you think, my friends and gentlemen of this commission, that that sort of violence on the part of these companies, that has been going on there for years—and I have mentioned only a few specific instances of concrete details—is not going to arouse feeling? I stayed in the little home of one of these miners one night, and he turned to me and he said, "When I came to this State 25 years ago there was practically no development in those hills. I worked in those hills. My son worked in those hills. He lost his life in those hills, and I have been maimed in those hills, and all the wealth that comes from those hills, the energy that makes transportation and life and the comforts we have possible come out through my labor, and I bought me a little home, and I have lived here. And now the people of New York, who have the legal title under the Constitution and the laws to these mines, want to reduce my pay or want to refuse to give us certain demands that we think fair or want to control the public officials who want to bring about an inspection law so as to protect our lives that I may not lose another son or my own life in those mines. And they tell us that if we protest we can no longer work there, but have got to go out and work at something else. "Now," he says, "under the Constitution and the laws of property that seems to be a right, but," he says, "is it just and is it fair?" These men will point out to you the solidarity of capital and their rights under the Constitution, and they can come down on them like that, and they have no rights except in opposing solidarity that they call the union, if you please.

Now, Mr. Chairman and gentlemen and Mrs. Harriman of this committee, this thing is deep down, and this sore is the result of long years of lawlessness and oppression on the part of the utility corporations. I know whereof I speak, when I say to you that they have owned judges on the bench as they have owned their office boys; that they have owned judges on the supreme bench as they have owned their office boys; that they have controlled those judges; that they have controlled district attorneys; that they have controlled governors; that they have been in the most perfidious deals to control the agencies and officers of the law time and time and again, so

that they not only make the law to suit their own wishes, primarily—though it does not always do it—to protect property and stand against the rights of humanity; but when occasionally, as happens after a long struggle against every step of the way—for there is terrific opposition to get a law through for the protection of human rights—they control through the bipartisan machine in Colorado the agencies of the law and prevent the enforcement of those laws.

And now, members of this commission, what is that? It is violence. It is the most terrific violence in the world. It is the kind of action that raises the coal dust all over this country, and that thing is going to be exploded, if we don't correct it. That is our contention. Now we don't want it to be, but they are doing the thing, as much as the other people. And I am not saying that there is not fault on both sides, but my contention is this, that violence produces violence every time. That is the law of nature—as hate produces hate; and when through these conditions—not so bad, I am glad to say as they have been in the past, but I would not have you understand that our officers are all controlled by these forces. There are honorable men on the bench; there are honorable district attorneys; there are fearless district attorneys; there have been some fearless governors as there have been fearless judges. But those men have been fearless at terrific sacrifices as a rule, knowing all the time that they were doomed for slaughter, political or otherwise, if they attempted to call their souls their own. This has been the condition of terror which the industrial government of Colorado, backed by the industrial government of this country with its seat in New York City, has ever shown against the political government in Colorado, and, for that matter in this Nation, in a measure.

Now that, in the large, is the situation out there; and because of that condition, sir, they have permitted men to be recruited in this militia who are not the kind of men to be in any militia; they have permitted to be recruited in the militia mine guards, men employed and paid by the mine operators, if you please. They have permitted to be recruited irresponsible types of men, the men who are their own employees. I understand the gentleman who testified for you is an employee of the mine owners' association. It is the old game out there. It is the scientific method of corrupting, if your honors please, so that they do not dare call their souls their own. And I want to tell you, as much as I sympathize with them, that there is not a one of them can come down here and tell you an impartial, fair, and just story about this situation—I don't care who they are, unless there is a new kind of human nature working out in them. These men are human. The young lawyer knows he won't get business unless he stands in with these people. The young business man knows the banks he has to deal with—

Chairman WALSH (interrupting). You should know that this man did not testify that he was the attorney for that association where the trouble was had, but for the metalliferous miners of Cripple Creek.

Judge LINDSEY. However that may be, Mr. Chairman of the commission, if he is the attorney for men like Mr. Coleman, representing the mine owners, that way must be his sympathy. I can not blame him for that. That is the human nature in this case that you can not leave out of consideration, and these men represent, however much they may deny it, the solidarity of capital. Everybody knows that that has lived in that State, and that uses their brains and minds at all in thinking about the thing.

Now, Mr. Chairman, I have talked to many of these witnesses of the Ludlow horror, to come back to that, as one of the moving causes that produces hate. I have read the affidavits, and I have the testimony here before the coroner's jury. I have affidavits here that I have read and pored over and gone over, and in those affidavits and in that testimony, it is shown here, an indifference, with a brutality, with a cruelty, the like of which I never heard of outside of savage warfare, militiamen, officers or men, gave the orders to destroy and burn up this tent colony. And I am here on the strength of this testimony, assuming it to be true, and assuming also there may be testimony to the contrary, to say that a case to that effect, a prima facie case, has been made out, that certainly demands some very strong testimony to refute.

There is the testimony of the stenographer before the military commission, who says that he heard the order given to burn up this tent colony, and it was given by one or two—one or two of these officers whom he knows, and here is the testimony of an unbiased, unprejudiced man who drove an automobile, who was held up on the road by the soldiers and compelled to deliver over his automobile, in which there was a machine gun that mounted a hill

overlooking Ludlow, and that that machine gun, with a brutality and cruelty, the like of which has never been equaled, so far as I know, was turned on these defenseless women and children, their tents, that are their houses and their habitations—residence, if you please—so that it was either an alternative of these women and children going into these pits that had been prepared for them through a foresight for which I think they are to be commended, or else being stricken down by the bullets of these men who could not have been responsible, for it is not an act of civilized warfare, if you please, to turn machine guns and rifles upon a tent colony in which it is known by those who are responsible and those who do the deed that there are defenseless women and children.

I have heard the stories of some of the people who were there. I have read the testimony of men who were on the railroad train, who say that they saw militiamen—I have read the testimony of other who say they saw militiamen put the torch to the homes of these people. That is here, sworn to and taken down, and can be supplied to this committee if you wish it supplied.

Now, my point is this: That they are irresponsible. It is practically confessed and shown by the governor of the State, when he had to call on the President and send for the Federal troops, confessing his impotence to control the situation. It has created a terrific hatred in our State, and it has put it in the minds and hearts of these men and women down there in Ludlow to believe that they need not have any respect for that sort of authority, and if they had not respect for authority, don't forget this, please, members of this commission, that it is not altogether their fault, however much they may be to blame. We have to have charity. I am frank to say, for both sides in this controversy. I believe the whole thing is due to certain conditions that concern our laws of property that are all wrong but when you attempt to change those laws, as has been the history of Colorado for 20 years, it is met by the defiance through graft, through bribery, through all the means and methods known to power that comes from possessing money and property, and in the end, time after time, defeated, and when you get the laws on the statute books, that the same thing continues so far as it can with the occasional exception of honest men doing their duty, to defeat the law that is passed. So that my point is, and I wish to make it clear, that that is not a matter merely of the present strife. It is bigger than the question of the present strife. For, however important it is, Mr. Chairman, to settle that strike, and it is important, and I was sent here by a great number of citizens of Colorado to help bring about the settlement—it is only temporary; it is only one of the lulls to the storm that is ahead in this country, unless the men who benefit through these laws of property and who are gradually gaining to themselves the natural resources of this country, are willing to see that they have certain duties and responsibilities that are not altogether impersonal, and are willing to share with these men. But that they have not done. They have recurrently refused to treat with them. They have said there was not anything to arbitrate; but in saying there wasn't anything to arbitrate, they are falsifying, for there is much to arbitrate, and I think that will be shown by the congressional investigation that has been going on in our State for some time.

It is well for the people of this country to know the violence of capital, the violence of corporations, that is silent, if you please, and not noisy like the violence they promote. I think, therefore, that they owe it to our people to consent to the appointment by the President of a board of arbitration, who will go out there and investigate those conditions and listen to both sides, and both sides being willing, assuming, of course, the board is fair and just and acceptable to both sides, to abide by the decision they may come to. And I think a great mistake is being made by the powers that control the industrial government of this country, the seat of which is here in New York, and is as superior to the President of the United States, unless he is willing to exert himself in spite of it, as the boss over the employee in a factory. That is my view of it. And being in that position, knowing that they have said, or claimed, to have the Constitution back of them, certain laws back of them that were primarily designed for property, they owe it to our people to concede, to give, if you please, some of this terrific power by consenting to this board, and letting them, so far as it is possible, at least, for temporary purposes, to adjust the difficulties up there and to relieve our people of the passion into which they have been plunged, but the fact that when these Federal troops were withdrawn, if they are, because of this condition that has grown up for years and years, beginning with the corporations themselves, and

their own lawlessness, will be too much, and there is a possibility of the repetition of Ludlow unless the President will keep the Federal troops there, and to bring about any sort of settlement, go a step further and appoint this industrial commission, and if both sides do not consent to this arbitration, then it is our contention, in the interests of peace, because of the military necessities of the case, because a republican form of government, with the confession of the governor of the State, has broken down in Colorado and the Constitution says the Federal Government shall guarantee us a republican form of government, that he would be justified in taking some means, even though they be forcible, to compel those who refuse to arbitrate to consent to arbitration.

Now, that is the feeling of many of our people, and I speak that feeling. I am not here to speak on behalf of the militia, I am not here to speak on behalf of the mine owners. I am not here to-day to speak on behalf of the mine workers. I am simply here to voice my feelings, after years of experience, being down in the midst, knowing both sides, understanding their viewpoint, to make clear to you, as an industrial commission, in a general way, some of the conditions that have existed in our State and that exist in other States, that have brought about these results, in order that, in time if not now, there may be one result—an investigation like this, and that will begin to tackle conditions and tackle causes that make for these effects, and I would feel false in my duty to the children of my State and the children of this country if I did not take a bigger opportunity for this problem than merely sitting behind a desk and trying the immediate troubles of children. I have done that for 14 years, and I have looked into the faces of these children, and I have tried to think and find out why do boys do bad things? Why do girls do bad things? And I think I have found out. And I look at it and then I ask myself, why do men do bad things? And the reason in the one case is largely the reason in the other; it is the condition, in a large measure, not altogether, say, the environment, their viewpoint.

My plea is for a better understanding of these questions. Therefore I thought if I came over to New York after the President of the United States had given us a most courteous hearing, that Mr. Rockefeller himself would be willing to see me and permit me to present this phase of the situation. But after a courteous request for that privilege he has refused, not only to see me, but while I am of no particular consequence perhaps, I think it is of great consequence that he should have heard the miners' wives whom you courteously and kindly and considerately heard here yesterday, whom the President of United States heard, because, I contend that when men receive profits or have possessions that promise profits, they haven't any right to take the impersonal view that he takes, and deny any responsibility. Kings have gone down among their people, even in the days of the old feudalists, or even in modern conditions, we have known of kings going among their people and lending them succor and help and not being so impersonal and above them that they would not listen to their woes and troubles and miseries, and be willing to lend something of themselves to really find the cause of these things, and help to solve them, and surely Mr. Rockefeller is no bigger than the President of the United States. He isn't any bigger than kings, who have done it. But in the new feudalism that exists in Colorado, where towns are built up and owned by private corporations, if you please, these men refuse any present relation to conditions like these, refuse—those at the top—to listen to the walls and pleas and explanations and the facts which might be presented by these women. And I say that that attitude of such men is doing more to produce lawlessness and talk about confiscation and what they call anarchy than all the anarchists I know, and the men who stand for that sort of thing in the opinion of some of us who have studied these industrial conditions, if they are ever injured and harmed, and I pray God they never will be, they can damn nobody but themselves, because it is simply a new and novel method of committing suicide, and the President ought to grab men like that and save them from jumping into the river, like the policeman would grab the poor devil on the street who attempted to jump in the river, because that is the way they are going, and I think he ought to do it.

I hope I may be one of those to bring this to the attention of Mr. Rockefeller from down in the midst, where I have seen the struggle of these people, and I think his heart would be touched if he could see and hear it. I believe if he would show the personal attitude that was shown in the old days, before corporations grew up in this country and when there was a better understanding between employer and employee, we could settle this difficulty, at least, tem-

porarily, in Colorado, and I am here to tell you I was absolutely refused any help in anything like that.

I am here also to answer any questions that you have to ask me, after making this general statement, that you wish to ask.

Commissioner O'CONNELL. The gentleman who just preceded you made the statement that all of the demands of the miners had been conceded up there sometime prior to the strike with the exception of one. A similar statement appeared from Mr. Rockefeller in the papers sometime ago, and a contradictory statement appeared from the officers of the miners. What is your knowledge of that situation?

Mr. LINDSEY. Only what they tell me. Seeing that it is necessary to have a board of arbitration to find out definitely, I can only state from hearsay, namely, what the men tell me, the wives of the men tell me, that they have no respect for the law. For instance, that forbids the employer to refuse to employ a man simply because he has been in the union. We have laws in our State forbidding blacklisting. They claim that these companies refuse to respect that law. The men claim that when they protest against the dangerous conditions in the mines, that when they insist upon their protest, that they are fired at once.

I have talked to the labor inspectors out there, and they tell me that they have been refused the opportunity to investigate some of these mines notwithstanding the laws on the statute books. They tell me that the company stores are conducted in such a way that they are forced, practically, to trade at those stores, and they have many grievances in this regard that they want adjusted. I could mention others, but these occurred to me, Mr. Commissioner, that I have heard.

And on the question of wages, according to the testimony that has been furnished me, an average of between \$2 and \$3 a day is as much as a miner can hope to make. They claim there have been discriminations among the men as to the places that they shall work and the opportunities they shall have to work, and, indeed, I have heard so many complaints from men that have been down there, from the wives of men who have been down there, and things I have read in testimony and from matters that I think you will find on record before the investigating committee, that for these men to make a contention of that kind is certainly unjustified by the fact, or at least what purports to be the facts, and that, if you please, Mr. Commissioner, is to my mind one of the very reasons why they should consent to submit these matters to a board of arbitration. If it is true, then they have everything to gain and nothing to lose by submitting this to arbitration. I am here primarily in the interests of the best of our people out in Colorado. I want to say, however, that this feeling does not stop with the mine workers and the men only; it is percolating up and down into all classes of society, throwing people at each other's throats when they get to discussing this unfortunate controversy, and it does no good to the peace and well-being of a State, and is a condition, a poisonous condition, that is producing this miasmatic effect, you might say, socially and politically in our State.

Commissioner O'CONNELL. Judge, the law creating this commission instructs them to seek and find the underlying causes of industrial unrest and report a remedy. What do you think the commission should do with reference to that situation in Colorado or that it should report to Congress as a result of your instruction?

Judge LINDSEY. It is a mighty big question, Commissioner, to go into details. Still, I think you will have to report to Congress that there has got to be some great big changes made in the laws of property in this country, or the possession of property, or the private ownership in coal mines or other great public necessities must be changed entirely, because there must be some power that can settle disputes that are going to continue right along. Now, just what the detail of that might be would take us into all sorts of sociological discussions.

Commissioner O'CONNELL. Would it mean compulsory arbitration, or would you—

Judge LINDSEY. No; I don't say that. But I do believe that in the case of the Erdman Act, recently amended providing for voluntary arbitration, and the working of that came through one of your commission, Mrs. Harriman, largely, and the work we appreciate, and I feel that the public sentiment is so powerful that in a case like this, that if we have a law in Colorado such as you have in the Erdman Act, with reference to transportation companies, that if we had a law in Colorado in reference to our coal-mining property, or with

reference to any of the other natural resources that provided for voluntary arbitration, sir, in a case like this right now, the high degree of public sentiment and public opinion in our State is so strong that neither party would dare to refuse to submit their side of this controversy to such a board.

Commissioner O'CONNELL. Would you extend the authority of that law, then, to cover mines and mining?

Judge LINDSEY. Yes, sir; I think it should be, and I think the Government, Federal Government, should pass a law refusing to give title to any more lands that contain natural resources like coal, but should provide a leasing system, if you please, where the title remains in the Government, and with the right of the Government, if you please, always to settle disputes of this kind when they menace the peace and happiness of a whole State or any part of the Nation.

Commissioner GARRETSON. Did you hear the reply of your predecessor upon the stand to the question as to whether or not the inflammation of the public mind had been in any great degree allayed by the report of the military inquiry board, of which he was chairman? Did you hear the reply thereto?

Judge LINDSEY. Why, that board, in our State, among most of the people, was regarded as a huge joke.

Commissioner GARRETSON. Then public sentiment was in no sense changed by that report?

Judge LINDSEY. Absolutely none, but more or less indignation that men get together and pass judgment on themselves.

Commissioner GARRETSON. It was regarded, then, in exactly the sense that the question—one of the questions carried—that it was a case of the militia rendering a favorable report upon the acts of the militia?

Judge LINDSEY. Yes, sir.

Commissioner GARRETSON. Is there any difference of interest or action between the different classes of mine owners of the State of Colorado; that is, metalliferous or coal?

Judge LINDSEY. No; but with unions and possessions, they represent a solidarity when it comes to these questions.

Commissioner GARRETSON. Applies equally to the time when they had a universal association?

Judge LINDSEY. Absolutely; just as strong as ever.

Commissioner LENNON. Judge, what has been the power of political domination in Huerfano and Las Animas Counties by the coal companies as to the election of sheriffs, coroners, prosecuting attorneys, and the other officers?

Judge LINDSEY. As a rule, with a possible few exceptions, and I can recall no exceptions now, they have been absolutely the State, absolutely the State. The sheriffs and officers of that kind were, with a few exceptions, at different times when they broke through the lines, no more than their office boys. Not as much so, because an office boy can quit, and there is difficulty even if they could quit if they wanted to.

Chairman WALSH. That is all, Judge. You will be excused. Thank you.

Judge LINDSEY. I wish to thank the commission for the privilege of appearing before you.

DENVER, COLO., *Wednesday, December 2, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Commons, and Weinstock.

Chairman WALSH. The commission will meet each morning at 10 o'clock, be in session until 12.30, adjourn for lunch until 2, and be in session each day until 4.30, including Saturdays. The commission will now be in order.

Gov. Ammons.

Mr. BLOOD. Before the commission proceeds with its business, I was subpoenaed to be here this morning. I see Gov. Ammons here, and I want to know if I may be excused; I can come back at any time upon phone message and be here in 10 minutes.

Chairman WALSH. Mr. Dower will attend to that matter. We can accommodate you and any other witnesses who will speak to Mr. Dower, and we will arrange as closely as we can and notify you by telephone.

Mr. BLOOD. I would like to testify to-day, if you gentlemen can arrange it, as to-morrow I will have to be in court. So I would like to be called either to-day or some other day subsequent to to-morrow.

TESTIMONY OF GOV. ELIAS M. AMMONS.

Chairman WALSH. Will you be kind enough to state your full name, Governor?

Gov. AMMONS. Elias M. Ammons.

Chairman WALSH. You are the governor of Colorado?

Gov. AMMONS. Yes, sir.

Chairman WALSH. When did you take office, please, Governor?

Gov. AMMONS. The 14th of January, 1913.

Chairman WALSH. Prior to that time had you held any official position in the State of Colorado?

Gov. AMMONS. Yes, sir.

Chairman WALSH. Please state what positions you held.

Gov. AMMONS. All of them?

Chairman WALSH. Yes, sir. Beginning with your first service to the State.

Gov. AMMONS. To the State itself?

Chairman WALSH. Yes, sir.

Gov. AMMONS. I was a member of the house of representatives, a member of the State senate, a member of the live-stock inspection board and of the State board of agriculture.

Chairman WALSH. How long did you serve in the State legislature in the lower house?

Gov. AMMONS. Four years in the lower house.

Chairman WALSH. And how long in the senate?

Gov. AMMONS. Four years.

Chairman WALSH. How long in the State board of agriculture?

Gov. AMMONS. I think four years before I became governor. I am a member of that yet.

Chairman WALSH. Were you a member of that while you were in the house and in the senate?

Gov. AMMONS. No, sir; I was in the house from 1891—I was elected in 1890 the first time. I was there four years.

Chairman WALSH. What had been your business, Governor?

Governor AMMONS. I am a ranchman.

Chairman WALSH. What part of the State have you lived in?

Gov. AMMONS. Southwest of Denver until a couple of years ago, and in Middle Park.

Chairman WALSH. How long have you lived in the State of Colorado?

Gov. AMMONS. Next March it will be 44 years.

Chairman WALSH. Now, at the time of your induction into the office of governor, were there any laws which had been passed, or any proposed laws, that had to do with the industrial situation?

Gov. AMMONS. Oh, I think so, but I would not want to attempt to recite those. I would have to do it by memory, and there are others that can look that up.

Chairman WALSH. I would like you to begin and state to the commission, if you please, what your first introduction was to the coal situation after becoming governor.

Gov. AMMONS. Well, my first introduction was before I became governor.

Chairman WALSH. Begin at the beginning and give us your history of it.

Gov. AMMONS. Well, Mr. Walsh, I would like you to ask me just what you want to know, because there is so much of this. The first thing I heard of it Mr. Lawson told me about the 1st of December, after election——

Chairman WALSH. Who is Mr. Lawson?

Gov. AMMONS. John R. Lawson, of the United Mine Workers.

Chairman WALSH. What position did he hold?

Gov. AMMONS. He was international member of the board. About the 1st of December—I don't recall the exact date—1912, I was told that very likely there would be a strike during my administration; that it might not come during that time.

Chairman WALSH. Did you get that information in some official way; did he call on you because you were governor elect, or was it just casually told you?

Gov. AMMONS. No; he casually told me that. He said a strike would be called whenever they thought it was opportune, or something to that effect.

Chairman WALSH. Did you have any conversation with anyone else in regard to the coal situation between the time you had that conversation with Mr. Lawson and the time you became governor?

Gov. AMMONS. I do not recollect that I did—I know that I did, but I do not recall any specific facts. I will say that I tried to inquire into the situation after I had this conversation with him to see if anything could be done to prevent a strike.

Chairman WALSH. Was that prior to your entering the office of governor?

Gov. AMMONS. Yes; I went into office the 14th of January.

Chairman WALSH. After you went into office, with whom did you have your first conversation with regard to the coal strike? When did you have your first official conference with any person with regard to coal troubles after going into office?

Gov. AMMONS. I think I should say this: In my inquiries I was told there were a good many complaints on the part of the miners about past conditions and that the laws were not sufficient; and that a law had been passed at the preceding session of the legislature which, for some reason, had been vetoed, attempting to cover this situation, and that others would be introduced into the nineteenth—that was the present general assembly—to cover those matters. I tried to inquire into measures proposed and assist in whatever way I was able to during the session of the general assembly to secure the passage of a law regulating the operation of coal mines, hoping thereby to eliminate some of the matters about which there seemed to be complaint, or rather I should say disagreement.

Chairman WALSH. Do I understand that the legislature was in session at the time you took your office?

Gov. AMMONS. It was the 14th day of the session.

Chairman WALSH. Do you recall whether or not that legislation had been introduced at the time?

Gov. AMMONS. No; I don't know just when it was introduced. I know legislation was introduced, but I don't remember just when, nor do I recall the bills. There was one bill in particular that was considered throughout the session.

Chairman WALSH. What was the general subject of that bill?

Gov. AMMONS. The operation of coal mines.

Chairman WALSH. What, in a general way, did it have to do with the matter?

Gov. AMMONS. Covered the entire subject.

Chairman WALSH. The question of hours?

Gov. AMMONS. Well, I think the entire subject was covered, and I read the bill very carefully, but not recently. The bill is in the session laws, and you can get it there.

Chairman WALSH. Now, was that bill passed in that legislature?

Gov. AMMONS. Yes. There was some disagreement between the houses. I think it passed—if I recollect right, it passed the house first and went to the senate; and in the senate it developed that there was a difference of sentiment, at least, between the houses, though not officially. That is, there was a difference of sentiment in the senate—some matters of disagreement up there—and this disagreement was finally adjusted by a conference between the operators, I will say, or the people representing them, and the miners, and an agreement was reached, both sides expressing themselves to me as being entirely satisfied with the measure and saying, as I recollect it, that it was the best law of the kind in the country.

Chairman WALSH. You took office, you say, on the 14th day of January?

Gov. AMMONS. Yes, sir; that is my recollection.

Chairman WALSH. Now, on what day was the strike called?

Gov. AMMONS. Twenty-third, I think, of the following September.

Chairman WALSH. Now, I wish, before you go ahead, Governor, that you give us what you might call the significant things that occurred, so far as you were concerned, prior to the calling of the strike—the general lines of any efforts that were made, in which you took part, to avert the strike, for instance.

Gov. AMMONS. When this measure I refer to passed the legislature, it did not take effect until some months afterwards; I think about the 1st of October; I am not positive of that; about that time.

Chairman WALSH. Did you have any conferences with the leaders of the union before the strike was called?

Gov. AMMONS. Yes. Let me answer it in this way.

Chairman WALSH. Yes.

Gov. AMMONS. I say I think this new law would take effect about October—along the 1st of October, possibly the 4th of October, if I recall aright. If I find that is incorrect, I want to correct it, because I am going by memory—

Chairman WALSH. Yes; I know it is difficult—

Gov. AMMONS. After the adjournment of the legislature—during that time my time was occupied very fully and until the bill—30 days had expired for passing on bills that were passed by the legislature. I had hoped at that time that this new law covering the operations of mines would be put into effect, and that it would be the means of heading off any strike—that is, its operation.

Sometime afterwards—I don't recall just when, but in the summer—Mr. Frank J. Hayes, representing the United Mine Workers of America came to Colorado. My recollection is that Mr. Lawson brought him up to the office and introduced him. He said he had come out to try and adjust some of the differences between the miners in the southern coal field and the operators.

Chairman WALSH. Was there any person else in the conference besides you and Mr. Hayes?

Gov. AMMONS. I do not recall, but it is possible there were two or three of the officers; I am not sure whether Mr. McLennan and Mr. Doyle were there at that time or not; but at most of the conferences there were generally three of them or all four. I do not recall. My recollection is this is the first time I had met Mr. Hayes.

Chairman WALSH. That was prior to the time, was it not, that a circular letter was sent to the coal operators by the miners?

Gov. AMMONS. Yes; this is when he first came out.

Chairman WALSH. When he first came out. Did you see him any more, have any other conferences with them at all, before this circular letter was sent to the coal operators?

Gov. AMMONS. I do not recall about that, but I had numerous conferences with them; I have forgotten exactly how many; but they wanted me to try and arrange conferences for them. But that I could not do.

Chairman WALSH. You did not?

Gov. AMMONS. I did not.

Chairman WALSH. You did not feel that you could undertake to do that?

Gov. AMMONS. No.

Chairman WALSH. But you did not?

Gov. AMMONS. No. I wish you wouldn't ask me that question that way.

Chairman WALSH. Did you or did you not seek to have a conference between—

Gov. AMMONS. Yes; tried to get conferences.

Chairman WALSH. Sir?

Gov. AMMONS. Yes, sir; I tried to get conferences.

Chairman WALSH. Excuse me. I thought you said you did not, and that is the reason I asked it that way. Was that effort made in writing or did you just call upon the operators to come to your office?

Gov. AMMONS. I had very little letter writing in the whole proposition, the whole matter, unless there was some special reason.

Chairman WALSH. What effort did you make, Governor, to have a conference?

Gov. AMMONS. I do not know how many; I made a great many.

Chairman WALSH. Whom did you call upon on the side of the mine operators?

Gov. AMMONS. I do not recall, but I think there were most of the—I had conferences on this matter—I think most of them were with Mr. Welborn, Mr. Osgood, and Mr. Brown, who from the beginning to the present time have rather represented the operators' side of the question as Mr. Lawson, Mr. McLennan, and Mr. Doyle have represented the other side.

Chairman WALSH. Was there any time during this effort—

Gov. AMMONS. I will say I have talked to a great many other operators probably. At one time I think I met some thirty-odd of them in one conference over this matter. That was along, I think, after the strike was called, when there were so many of them together.

Chairman WALSH. Where was this conference held, Governor?

Gov. AMMONS. I think down at the Brown Hotel.

Chairman WALSH. And in that conference was this same committee included, do you recollect?

Gov. AMMONS. I think so. I think they were all there. I do not recall definitely.

Chairman WALSH. Did these efforts continue down to the time that the miners' convention met in Trinidad?

Gov. AMMONS. It continued long after that.

Chairman WALSH. And they continued up to that time, did they?

Gov. AMMONS. Yes; right along after that.

Chairman WALSH. I believe that was the convention that voted in favor of this strike?

Gov. AMMONS. I think they had two conventions. My recollection is they had one, and then one a little later that declared—no, did not declare a strike, but fixed a date; I am not sure about that. I think they had two meetings, though, whether it was the convention called at Trinidad that called the strike, I think the first one, if I recall correctly, was where the operators were invited to meet with them.

Chairman WALSH. Were the facts this way: That the miners' convention met and voted in favor of the strike, and then took an adjournment for one week?

Gov. AMMONS. It is something of that sort; I have forgotten the exact detail.

Chairman WALSH. After the strike was declared, did you have a conference?

Gov. AMMONS. I think that—yes; this is going back, before you ask that.

Chairman WALSH. Yes.

Gov. AMMONS. When I took up the matter of conference with the operators, their statement to me was—the reason they declined the conference was that it was an attempt to secure recognition for the organization known as the United Mine Workers of America; that they were willing at any time to take up any matter of grievance with their own men, but that this organization did not represent them, and that their main object in wanting this conference was to secure that much of recognition for their organization; that they maintained from the beginning to the present time.

Chairman WALSH. Now, do you recall the date that the strike was declared, Governor?

Gov. AMMONS. It was the 23d of September, is my recollection.

Chairman WALSH. And what was the date the troops were called out?

Gov. AMMONS. About 30 days later, the night of the 27th and the 28th of October.

Chairman WALSH. Now, immediately following the strike, what was the first request—at what time was the first request made upon you to call out the troops?

Gov. AMMONS. Oh, I do not know. It was some time—I do not recall; lawlessness began almost immediately down there.

Chairman WALSH. Would you prefer that I ask you the specific questions, Governor, or would you rather detail what you have to say?

Gov. AMMONS. If I see anything that I can help you in there I will do so; but I would rather you ask what you want, and I can tell you. There are matters I know that I could spend a week on here, and probably be of no advantage to anybody.

Chairman WALSH. Very good. Following the calling of the strike, when was the first demand made upon you to call out troops, and by whom?

Gov. AMMONS. I can't tell you just when it was. It was by the local authorities—the sheriff. I was urged by people down there to call out the troops right away, even before the strike was called—that they thought it would be dangerous.

Chairman WALSH. What people?

Gov. AMMONS. People down there, and different other classes of people that did not want me to do it. It was quite a contest all the time. It was on the phone, letters, but generally on the phone, constantly that that question was up from the beginning, even in advance of the day on which the strike began.

Chairman WALSH. Between the time that the strike——

Gov. AMMONS. And I want to say this: The general condition was bad from the beginning; that the operators wanted protection and demanded protection for their property, and the United Mine Workers were just as insistent that they were not needed, and that they ought not to be called on. The people there that did not belong to either side were at first somewhat divided, but before the troops were called out I think they were practically unanimous, because a great many of them who had in the first place advised me it would not be necessary, changed their position entirely the last few days before we called the troops out and urged that it should be done. And before they were called out the requests had been made officially from all of the county authorities, or the local authorities, except the district attorney. I do not recollect that he joined in it. Both Las Animas and Huerfano Counties, all of them having declared their inability to control the situation.

Chairman WALSH. Where did the first act of violence occur after the calling of the strike, if you recall, Governor?

Gov. AMMONS. My recollection is that it was when the town marshal up there was shot.

Chairman WALSH. At what place?

Gov. AMMONS. I think—I forget what town it was—right near Trinidad.

Chairman WALSH. How many specific acts of violence were there prior to the calling out of the troops?

Gov. AMMONS. They were constant almost, a great many of them; I couldn't tell you how many.

Chairman WALSH. In what portion of the State?

Gov. AMMONS. Well, in Las Animas and Huerfano Counties.

Chairman WALSH. Had there been any criminal prosecutions started in those counties against individuals prior to the calling out of the troops?

Gov. AMMONS. At what time? Of what kind?

Chairman WALSH. Of any sort that you know of—that is, growing out of this industrial dispute?

Gov. AMMONS. Well, there was one shooting down there, and I suppose that would be included; that probably never would have occurred had it not been for the strike. That was just before the strike was called, as I recall it.

Chairman WALSH. How many requests were there? Were there any requests from the judges that were presiding in the courts of those counties, that you recall?

Gov. AMMONS. Well, there was just one judge, one district there.

Chairman WALSH. Did he join in the request?

Gov. AMMONS. I am not—I do not recall for certain whether he did or not, but I think so.

Chairman WALSH. You say the district attorney did not join in the request?

Gov. AMMONS. My recollection is that he did not. I am not positive about that; I do not recall his name as being used.

Chairman WALSH. Were the requests from the sheriff in writing?

Gov. AMMONS. Yes, sir.

Chairman WALSH. And are on file, I suppose?

Gov. AMMONS. Yes, sir; and mayors and everybody else, nearly—county commissioners; all the authorities joined, unless it was the district attorney. I am not sure about that; my recollection is that he did not.

Chairman WALSH. Were there any organizations of the citizens that made any demand one way or the other?

Gov. AMMONS. Well, I told you that in the first place the citizens were somewhat divided on that, but at the present, so far as I know, they are practically unanimous.

Chairman WALSH. But what I mean, Governor, is were there any organizations—

Gov. AMMONS. I don't know.

Chairman WALSH. Were there any organizations formed in which the action was taken by the citizens?

Gov. AMMONS. I do not know about that. There were a great many petitions filed.

Chairman WALSH. Were there any executive orders issued by you in reference to the situation in the coal fields prior to the time that the militia were ordered out?

Gov. AMMONS. I think so. Those are all matters of record. I would be glad to have the commission get any fact there is in my office; get it in its own way.

Chairman WALSH. Your recollection is that it was some—that there was some act of violence prior to that time?

Gov. AMMONS. Probably there were, but I do not recall just what they were.

Chairman WALSH. But, of course—

Gov. AMMONS. The strike is on record there, and everything is at your disposal.

Chairman WALSH. Of course all orders calling the troops out are on file in your office?

Gov. AMMONS. Yes, sir.

Chairman WALSH. Did it or did it not contain instructions to the military officers?

Gov. AMMONS. No, sir. But there were instructions issued additional, in an additional order to Gen. Chase.

Chairman WALSH. When were the instructions issued with reference—

Gov. AMMONS. At the time—immediately afterwards—next morning—this call—this proclamation calling out the troops was probably 1 or 2 o'clock in the morning, after having been there several days and nights conferring, trying to secure a settlement between the operators and the United Mine Workers. I thought I was going to get a settlement, and during those last, probably 50, hours there was constant fighting going on down there, and two towns were virtually surrounded at all times, day and night, and several people were killed; two children were shot in bed. I had constant appeals over the phone from women in those two towns of Tabasco and Berwind for protection, to get the troops there.

Chairman WALSH. You say there were conferences being held and going on down to the time—

Gov. AMMONS (interrupting). Indirect conferences. I could not get direct conferences, and I got indirect conferences.

Chairman WALSH. I understand. There was no time, I understand, Governor, when the operators and the mine workers, or any portion of them, met together.

Gov. AMMONS. Not to my knowledge. No, sir. I could not get them together.

Chairman WALSH. Now, these conferences you held were held with the separate sections?

Gov. AMMONS. Yes, sir.

Chairman WALSH. Where were they held?

Gov. AMMONS. At my office.

Chairman WALSH. And were the mine operators represented by this same committee?

Gov. AMMONS. Yes, sir.

Chairman WALSH. And the mine workers by the same individuals you have mentioned, practically?

Gov. AMMONS. Yes, sir.

Chairman WALSH. Now, after the calling out of the militia, where was the first conflict between the troops and any other persons in the State?

Gov. AMMONS. There were no conflicts between the troops after they were called out, until the Ludlow affair. There was some rioting, which they were able to handle very nicely. It was a large territory. The troops went down there, I think, about the 28th of October.

Chairman WALSH. What was the date of the Ludlow affair?

Gov. AMMONS. Twentieth of April. They went down about the 28th of October. Now, during that time, notwithstanding rioting and the bad condition that was found when the troops went down there, there was not a single striker shot. There were two men shot by the militia—by the National Guard. One of them was a nonunion miner, a negro, who had shot a town marshal, I think, up somewhere in the Hastings neighborhood. I am not sure, but he had shot him twice and it was supposed to be fatal, and he was trying to get away; and, on request of the local authority, I believe, four or five of the National Guard were detailed to try to apprehend him. He saw them coming when they were looking for him, before they saw him, and opened fire on them, and he fired 28 shots at them before they killed him. There was another, a nonunion miner, tried to break through the picket line one night, and it was dark, and the young fellow on guard on the picket line tried to prevent his coming through, and not knowing whether the man was trying to take advantage of him or not, had cocked his gun, and he prodded him with his bayonet and perhaps touched the trigger, probably, and in some way the gun was fired, and it killed the fellow. Those were the only two.

Chairman WALSH. At the time the proclamation calling out the troops was issued, Governor, and the instructions given, will you please state whether or not those instructions covered the question of the bringing in of strike breakers?

Gov. AMMONS. Yes, sir.

Chairman WALSH. And the general nature of the order was that strike breakers should not be brought in?

Gov. AMMONS. Well, now, I will answer that in this way: I thought I was very close to a settlement the night the troops had to go out. I had, in fact, a feeling that there was such a fair prospect of settlement I had delayed sending the troops probably a couple of days longer than I should. Finally things got so bad I could not postpone that any longer; but I felt that I had gotten so close to a settlement that I would be justified in straining the law and I

held things in abeyance for a time until I could make further efforts. So I instructed them, until further orders, that no strike breakers should be brought in, but that those that wanted to go to work down there should be protected in that right. I continued my efforts at a settlement, being delayed from one cause or another, until along probably past the middle of the month—following month.

Chairman WALSH. That order—

Gov. AMMONS (interrupting). Just a moment, please. Then I learned that Secretary of Labor Wilson was going to be in the West, or was in the West, and I asked him to come here; and I asked President Wilson to send him here, feeling that as a member of the United Mine Workers of America—and I had been so informed—he would be of great assistance to me, and being in that official position, he could be of great assistance in promoting a settlement of the strike. He consented to come. He was here about 10 days. During that time a conference was secured between three of the operators and three of their former employees in my office, and at their request I presided. Secretary Wilson was there except at one session. They discussed all—or part of the matters in dispute; I think all but two. There was an understanding—or I had the understanding in the beginning, and I am sure Secretary Wilson did, that in this conference the question of the recognition of the union was not to be brought up. I think, Mr. Chairman, that one thing I omitted to say prior to the strike was that, in my opinion, there never was any other question that could not have been easily overcome in the disputes between them than the question of the recognition of the union, and that without that the strike would have been called off—that it would not have been called, or if it had been called it would have been easily settled. I think that has been true from the beginning.

It was understood by myself when this conference was secured that this question of recognition was not to be mentioned and it was not until the very last thing when the points of difference between the operators and the miners were discussed in a very friendly and free manner. There is a complete stenographic report of those proceedings, and I have a copy of it, if the congressional committee has returned it; there have been so many of these investigations, and I have loaned a good many papers and documents.

Chairman WALSH. Mr. Stenographer, please make a note to call for that copy later on.

Gov. AMMONS. I think I can undoubtedly find it; I think it has been returned from the congressional committee. I have all of the records in my office, I think, if they have all been returned. After the discussion on each point, I myself called the roll of the six men to see whether they agreed individually after they had talked over the matter in a tentative way, and every point was agreed upon down to the question of—the question of wages was discussed a little, but it was not serious, and it has never been in any of the conferences that have come to me direct or otherwise. And the question of settlement of future disputes. Those are the two things left that Secretary Wilson thought ought to be taken up. One of the men—and I have forgotten their names—I have them downstairs—representing the miners, then raised the question of recognition of the union, whether in express terms I do not know, but Mr. Brown stated that they had come here with the understanding that they were not to discuss that question, and if we were going to discuss it then the conference was at an end, and after a few words that was dropped, and it was agreed that I should suggest to both sides—that I should write a letter suggesting a settlement on the lines of the discussion at this conference, which I did. I prepared it and went over it with Secretary of Labor Wilson, who approved it, and I put it exactly along the lines of their discussion. I did add one thing, and I don't know but another little matter that was not discussed fully, and that was the right of the men to board and trade where they pleased; and I think there was one other—some other little matter that had come up in a great many talks I had had with miners, and with the representatives of the United Mine Workers of America, and I prepared this letter and submitted it to both sides.

At that time Secretary Wilson and myself both felt pretty close to a settlement. Secretary Wilson then suggested that a settlement would not amount to much unless there was something to take care of the matter in the future, and he said that he thought—he said that he could make a certain suggestion that might help that matter, and I asked him to prepare that. I had prepared the other matter. He wrote a letter suggesting arbitration of some sort; I have

forgotten just what the detail is. We have the letter down here, and you can get that—on this point of wages and the adjustment of future differences—and this letter we also submitted to both sides. My recollection is that he joined with me in signing the first letter—that is, my letter—and that I joined with him in signing the second one.

Immediately objection was made to the second one on the ground that until the other was passed upon it would be useless to present that, and Secretary Wilson suggested that we withdraw the second letter pending action on the first.

The operators accepted the first, and the United Mine Workers rejected it. Secretary Wilson spent about two days with me in conferences, some of which were in my office and some of which were down town, and came in and said that it was useless to attempt further; that at that time nothing could be accomplished and that he would return to Washington—this was not far from the 1st of December—and that if he could be of any use later he would return.

At the close of this conference between the operators and the miners I had a talk with the three miners, in which they told me that when they came up here—I refer to this question of recognition of the union—they told me when they came up here they had been instructed to accept nothing but recognition of the union.

Chairman WALSH. Did they state, Governor, what they meant by "recognition of the union"?

Gov. AMMONS. No; those three men did not.

Chairman WALSH. Was that ever discussed in your conferences—what they meant by "recognition of the union"?

Gov. AMMONS. That conference did not take up that question; that conference was held with the understanding that it was not even to be mentioned.

Chairman WALSH. When they stated to you that their instructions were to take up the question of recognition of the union, as I understand you, they did not state what they meant by that?

Gov. AMMONS. No; I thought it was understood. As to myself, I understood all the time it meant the closed shop, unionized closed shop, with the check-off system and everything that went with it.

Chairman WALSH. Your understanding was, whenever that term was used, "recognition of the union," that it meant closed shop and everything that went with that?

Gov. AMMONS. Yes, sir; I never heard that disputed in all the discussions. Secretary Wilson, however, said there might be a modified form of that, in one of his talks to me, and it was not necessary to go that far; but there was never any conference or talk to me, in which I did not have that understanding of the term.

Chairman WALSH. And so far as you know, of course, that was the understanding of the employers as well?

Gov. AMMONS. Yes, sir. I never heard it discussed by either side when I had any other understanding of it.

Chairman WALSH. Prior to the conferences that you had, and in which Secretary Wilson took part, had there been any modification of the first order you gave with reference to the bringing in of strike breakers?

Gov. AMMONS. No; that was continued as long as I saw there was any hope of settlement; that is, I tried to hold everything right were it was, although the law permitted the operators to employ anyone if he knew there was a strike on. I felt that the situation was much more serious than people generally supposed, and I felt warranted under the circumstances in going to rather an extreme measure to bring about a settlement if possible, believing that almost any sort of a settlement was better than a continuance of the struggle. We were hoping—not expecting to do it so long. We were hoping—in fact, I held everything in abeyance as long as possible trying to bring about this settlement, until I came to the conclusion that nothing could be done in the immediate future, and at that time—as soon as Secretary Wilson had advised me of his intention about this, I issued an order to Gen. Chase, calling his attention to what this law was and asking him to enforce it rigidly, and that all other laws, whatever they were, should be absolutely and rigidly enforced. I gave testimony a moment ago of the laws I thought might throw some light on that situation. In following out this I suggested to the General that he try to see everyone that came into the district who wanted to go to work. During this time there was a coal shortage and prices went up. There was quite a good deal of unrest about it, and I was very severely criticized for not permitting men to

go to work who wanted to, or to allow the operators to put men in to supply the coal. When I called out the troops I had no money available to pay them. I made an attempt to raise money from independent sources to take care of these expenses.

The old law prior—years ago during the time of all the difficulties they had—permitted the payment of 6 per cent interest on certificates of indebtedness. Our constitution provides means for quelling insurrection. I want the commission to understand that at the time I called out the troops, and for some time prior thereto, the local authorities were wholly unable to administer—to take care of the situation in those two counties. They had been asking me for a good while to take charge of it; arrests could not be made; nothing could be done to control the situation.

When I began to fear that I might not get this settlement or saw the possibility of not being able to get this settlement and that there was only one thing that could be done and that was to call out the troops, the only constitutional remedy that I had, I inquired into the financial situation and found that there were no funds, but that I could issue certificates of indebtedness. In some of the disturbances we had had in past years there was considerable criticism about the way it was handled then and so I undertook to raise funds from absolutely independent sources for the State. I consulted officers and members of the Clearing House Association in Denver about taking these certificates in case I should have to issue them, and finally I had a conference with members representing all of the big banks in Denver, I think, and possibly some of the smaller ones, I don't know the exact number, but there must have been 20 or 25; I invited the auditor and the treasurer to this meeting, and I explained to these bankers that I wanted to be absolutely independent of these contending forces, and that they would probably have to carry these certificates for about a year; that the rate of interest was small and times were hard, but it was absolutely the only way I knew of to control the situation. The auditor notified them that he did not believe that the troops were necessary yet, and he would determine whether he would issue the certificates of indebtedness when they came to him. They asked for my room for a little bit to hold an executive meeting, which they did. At the end of this meeting they told me they would give me the amount of money I wanted for the first 30 days. I was still hoping that in 30 days' time I might get this thing settled and would not need any further money. That was \$150,000 at par at 4 per cent, provided the auditor would sign the certificates of indebtedness. I think this was on Sunday before I called out the troops on Monday or Tuesday.

Failing in the settlement and conditions being so bad down there, I could not delay any longer, and I had to take my chances on the auditor, and I called out the troops. I had great difficulty in buying supplies for the men under those circumstances, and the auditor finally took advice from his attorneys that he did not need to sign these certificates, or that he had no right to, or that he did not have to sign them, and I had to take that matter to the supreme court, which decided for the State. But that made it extremely difficult. However, some business men came to the front and furnished supplies and took their chances.

After the first month was up and nothing had been accomplished and a settlement looked further away than ever, I got authorization from these few banks and at Pueblo and Colorado Springs and some others for another \$100,000, and afterwards I got a little bit more; but there was constant threat that it would not be paid, and they were afraid to furnish money, and we ran in debt to a very large amount, so that I took the troops out as soon as I felt it was at all safe.

I had ordered Gen. Chase to get the arms from both sides, and when they were not delivered up I told him to find them if he could and get them. It was always represented to me that the arms had been given up. I did not believe along the 1st of April that there would be any further serious trouble, and so I had reduced the troops considerably at that time and I ordered the balance of them out. I was taking them out gradually.

We had a conference of western governors on the 8th—

Chairman WALSH. On the 8th of what month, Governor?

Gov. AMMONS. Of April, and an irrigation conference at the same time which was called by Secretary Lane. We had 9 or 10 western governors here. I had been wanting, for a long time, to take this strike matter up with the Federal authorities, especially with the congressional committees at Washington. We

had at the same time a controversy between the Federal Government and the State over rights of way for irrigation power plants in the San Luis Valley particularly, and other places in the State, and we had been endeavoring to get an agreement with Secretary Lane for a friendly suit to determine the rights of the State. The governors wanted a committee to go down there in the matter of the general leasing system, and a program was formed in regard to that, which was unanimously agreed upon.

I did not say anything about what I was going to Washington for except on matters relating to the governors' conference, but the other things I wanted to go into pretty fully while there in my own way. I was appointed on the governors' committee, and I left here on Friday night, I think the 17th of April, and all the troops I had intended should be out of the field before I left; but just before I left, on the solicitation of a lot of people, not on either side of this controversy, I left 38 men, including a cook and a doctor and his assistant, at Ludlow and Cedar Hill for a few days, those people saying that if they were not left there they would be afraid to stay; they were afraid there would be a little trouble just at the time of the change, and I was led to believe that if these men were left there for another week that the whole thing would be over as far as any violence which the local authorities did not control was concerned.

I took with me down to Washington the attorney general and the State engineer, to take up our irrigation matter with Secretary Lane. I arrived in Washington Monday morning, I think about 8.30. I heard during the afternoon some indefinite reports about some trouble at Ludlow. I forgot to say that I left instructions requesting that the acting governor, Lieut. Gov. Fitzgerald, and with Gen. Chase, that if there was no trouble, that the balance of the National Guard, 38 in number, should leave on the following Wednesday or Thursday, either the 22d or 23d of April.

I never got to take these matters up except individually with Dr. Foster and other members of the House committee with whom I had got acquainted during the congressional investigation here and some Senators; I got no chance to make arrangements with committees. I kept one or two or three of the engagements that I had made on other matters, and we did not get our conferences at all. On Monday afternoon I got some indefinite reports—telegrams—about the trouble at Ludlow. We stayed up nearly all night, and did not get anything very definite. It was Tuesday night before we got anything like reliable information, and I got most of that through newspaper men—one in particular that was with me; that I got through Pueblo. As soon as I learned how serious it was I started for home—breaking all of the balance of my engagements and getting back here as soon as I could. I realized that we had no money, that I could not raise any more, that our indebtedness then was probably \$600,000, and half of it was unprovided for. I started out and got some of my congressional friends to start a movement for me to get assistance from the Federal troops, if we discovered the trouble was as bad as it appeared to be from the dispatches I then had. I did that on my way home, or as soon as I started. I had telegraphic requests from Colorado suggesting that, after I had started, within a few hours—first, I think, from the operators. Over the wire I agreed that a special session of the legislature should immediately be authorized, to show that we could raise some money for the troops, but asked Acting Gov. Fitzgerald not to specify what should be in the call until I got home. That was done. The troops had not been paid for the last two or three months of their service. They had not had decent clothing, while, at the same time, they were being terribly abused by the press, and notwithstanding that fact, about 650 of them responded to the call of Acting Gov. Fitzgerald and returned down there after the Ludlow affair against those many thousands of armed men who had found the guns that they had said they had given up and did not have, and who were in open insurrection against the State. There were a great many dreadful things done during that time, in which there was a good deal of loss of life. There was a good deal of loss of life prior to the Ludlow trouble and prior to the time the troops went out. There was loss of life not only after the troops got down there but before they got in that particular field, at La Veta, where five men were ambushed and four of them killed.

I called a special session of the legislature; the call is a matter of record. There had been a great deal of criticism for attempting to police the district with the National Guard. I inquired into systems in other States and thought I would ask of the special session authorization for a trained police force, with strict civil service, simply to keep order, realizing that that could be done much cheaper than it could be done by the National Guard. But the newspapers

made a campaign against that, misrepresenting what was wanted, and that was defeated. I asked for permission to prevent the sale and use of firearms, which was granted. I asked permission to close the saloons in the disturbed district without declaring full martial law, and that was granted. When I first called out the troops down there I directed that the saloons should be closed and kept closed, but we did not have men enough in the territory to do that. Gen. Chase made arrangements with individuals in particular localities to get them to close the saloons, and he said that very generally that was complied with and the promises by the saloon keepers were kept. I asked the legislature at the special session for a million dollars to take care of the expenses of the strike up to that time and for any that we might have in the future.

President Wilson, in granting my request for the troops, did so with a good deal of hesitancy and with the understanding from me that as soon as we could raise funds to take care of the situation in the future the Federal troops would be withdrawn. I had great difficulty in disposing of bonds. This war came on, and that interfered with selling anything at a reasonable rate of interest. The fact of the matter is that while our State bonds would have sold, and the ones we did sell sold on the basis of 4 per cent a couple of years ago, now we could not sell them on the 4 per cent allowed by the act. And while we were a long time trying to dispose of these bonds and to make some arrangement by which they could be exchanged—a provision which occurred in the bill authorizing that—I have made arrangements for the disposition of sufficient bonds to take care of future expenses and have so informed the President; and I expect at any time that he may take out the Federal troops and turn the matter back over to the State. I have no definite information from him about when this shall be done.

Chairman WALSH. When was the first order modified? If you stated it, Governor, why, I haven't—

Gov. AMMONS. About 30 days—during the time we were trying to bring about this settlement. It was extended longer than I expected. I thought I would get this settlement in a week or 10 days, but these conferences back and forth always dragged out longer than I figured; and then when I attempted to secure the assistance of Secretary of Labor Wilson that delayed matters a few days until he should arrive here and we got this conference between the operators and their employees; and I was very anxious and thought that might bring about a solution, and so by the time they adjourned and Secretary Wilson had made his further investigations about 30 days had elapsed. At that time I went directly upon the law-enforcement basis. I want to say, because there has been a great deal of misrepresentation on this point, that before the strike was called I had notified the leaders of the United Mine Workers that I wanted to do everything I could to prevent a strike, and I told the leaders on both sides that if I could not get them together and settle the matter, the only thing that I could do was to assume an impartial attitude and enforce the law. I recollect one circumstance in particular, when I was trying to urge upon the leaders of the United Mine Workers that the people of Colorado had been having rather bad financial years for two or three years, and they were rather hanging on by their eyebrows, as I think I expressed it; that they would be very much opposed to any disturbance at that time and unable to stand it very well financially. And I spoke to them, urging them that they should allow me the opportunity of trying to enforce the laws of the State before they called a strike. They said that the laws never had cut any figure down in this southern field. I told them I didn't know anything about that, and that I was not responsible for it, but that I did feel that, as we had just got a new law regulating the operation of coal mines, that a strike such as was proposed called in anybody's administration would surely ruin it; and I felt that I had a right to ask them that they give me the opportunity to enforce these laws before they called a strike; that if they would help me I thought I could, and if I failed, then I would have nothing to say.

They told me at that time that if they got recognition of the union they could control those matters very largely themselves, and that is what they wanted. I suggested to them that they had a population down there of people of a great many nationalities who spoke different languages, who understood little of our laws and customs, and that if a strike was started they would be hard to control, and that there might be such disturbances that the local authorities could not control them, and the State would have to go in; that the State could do nothing only to keep the peace. If it kept the peace, the mines might be

filled up and they would lose their strike. But their contention was that they could not get enough men to man the mines at that time without any strike, and that the men would go out on a strike and they would have to make terms with them, and that they would therefore win the strike. That is the mistake they made, just as the operators made a mistake when they thought that very few of their men would go out. A good many of them did go out—not as many as has been reported generally in the press, but a great many more than they thought would go out.

Chairman WALSH. Now, when you adopted this policy of enforcing all the laws, that included the protection to those operating the mines in bringing other men to take the place of the strikers, did it, Governor?

Gov. AMMONS. Provided those men were entitled to go to work under the law.

Chairman WALSH. Now, when were the first ones brought in?

Gov. AMMONS. I can not tell you. There were not a great many brought in anyhow.

Chairman WALSH. Was it in the month of December?

Gov. AMMONS. Well, you see, it was about the last of November that I modified this order. Let me see—at the end of about 30 days from the time the troops went in there; I don't recollect the exact date. It is on file down there. That is the best evidence, because the order is there.

Chairman WALSH. During the time the first order was in effect, was it respected by the operators?

Gov. AMMONS. So far as I know; yes, sir.

Chairman WALSH. So far as you know. Now—

Gov. AMMONS (interrupting). We had complaints—always had complaints both ways. I tried to look into every one. For instance, one of the first things I heard was—and right here I want to say that I had the same charges against the militia from the beginning almost—right after the first week or two, anyhow. For instance, I had this sort of a complaint, that the National Guard was filled with Baldwin-Felts detectives. Now, I had made quite an examination and I couldn't find any at any time. When that complaint was later again made, I offered a reward of \$100 if they would show me one. I tried every way in the world I could. This contest was very bitter. I don't know where the bitterness began. Of course, Mr. Chairman, when I came into office there had been a strike in the northern field up here just north of Denver for more than two years—possibly three; I don't know exactly. But I knew nothing of the merits of that controversy because that had been in my predecessor's administration. There had been previous strikes down south, and there are lots of people on both sides better capable of telling you what those difficulties were than I; but I always thought this strike in the northern field here was the incubator out of which the other was hatched.

Chairman WALSH. Now, after you adopted your definite policy—

Gov. AMMONS (interrupting). I adopted my definite policy in the first place before the strike was called, but I varied it during this one month—about 30 days—believing I could secure a settlement, by so doing, of the strike. Now, that is the only variation I ever made from my policy, and I did it then feeling that I was justified in even straining the law in order to bring about a settlement.

Chairman WALSH. Now, what difficulties, if any, did you encounter growing out of the laws themselves in reference to the governor exercising any definite policy with respect to the controversy?

Gov. AMMONS. Well, I experienced most of my difficulties in that way.

Chairman WALSH. Well, I would like you to take up, if you will, please, Governor, what features there were of divided power in the State departments, if there were such, or anything of that kind, that you considered an embargo in your efforts to carry out any policy?

Gov. AMMONS. Well, I have referred to one.

Chairman WALSH. That was in the matter of the issuance of securities by the State—

Gov. AMMONS (interrupting). Yes, sir; and if it had not been for the supreme court I would have been made absolutely helpless there. That cost this State a great deal of money, because it was very difficult, indeed, to buy supplies under a situation of that kind, as you can readily imagine. Even when I got banks to agree to take some of these certificates there was somebody, I don't know who it was, went to them and warned them that they would not be paid; and some were canceled. In this State we have not only

all of the State officers elected independently of each other, but there are some of the other departments, executive in nature, which are not under the governor—among these the labor department.

Chairman WALSH. Briefly state, will you, Governor, how that is constituted?

Gov. AMMONS. I will do that.

Chairman WALSH. Yes.

Gov. AMMONS. The labor commissioner, under the statute, is the secretary of state, but the real labor commissioner, I believe, is designated by the statute as the deputy labor commissioner. He is the real labor commissioner. He is a man appointed by the secretary of state. He was a partisan in this matter. I did not know that to begin with—

Chairman WALSH (interrupting). Does the secretary of state have full authority—

Gov. AMMONS (interrupting). Well, I will tell you—I would rather he would testify to that because I don't want to go into that.

Chairman WALSH. Has it been questioned—

Gov. AMMONS (interrupting). But his deputy, the deputy labor commissioner, is appointed by him, and that deputy commissioner is the acting labor commissioner in this State. This department—I sought in looking up the laws and in trying to accomplish something toward the settlement and control of this situation, I sought to call in his assistance. Immediately the operators said, "Why he is a partisan on one side. We won't have anything to do with him. He is a member of"—I don't know; I think they said of organized labor; anyhow that he was partisan, I recollect that, and I could not use that office. And not only that, but that officer, Mr. Brake, the acting deputy commissioner down there, was, so far as I know, and I know most of them were in active opposition to everything that I tried to do. They made inflammatory speeches—one of his deputies came with a committee up to me to tell me that if I did not do certain things, including the withdrawal of Gen. Chase or the troops from the field, I believe, within five days, they would start a recall petition. He came into my own office and told me that. I had absolute harmony from one State official and had his assistance; and while I could not say that we agreed on every little detail of policy, yet he was a man whose legal advice I valued, and who was of great assistance to me and very loyal from beginning to end. That was the attorney general, Fred Farrar. I had some others in the building who were friendly but who took no active part, or at least little. The situation under such circumstances as we had here is beyond anything I can describe. Everything that is done in this State in an executive way the governor is held responsible for. I had no more control over the labor department of this State than I had over the labor department in the State of New York; and had not only no assistance from it, but the most active opposition.

Chairman WALSH. Any other department, Governor, that you conceive to have had to do with this situation?

Gov. AMMONS. I don't care to say anything about the others. There was no active opposition save from those two departments—the one under the advice of his attorneys who, I understand, were at the same time the attorneys for the United Mine Workers.

Chairman WALSH. In what way, Governor, did the labor department hinder you in carrying out your policy, or was there any other means except such as you have mentioned, making speeches and—

Gov. AMMONS (interrupting). Well, I recollect that long before I understood the situation very thoroughly, I was asked for permission by two men in that department—I don't know who they were now, I don't know whether I could find the names any longer—to send men down there on perfectly legitimate purposes in connection with their department. They went down there, and the next thing I discovered was that when they went into the mine—it was after the strike was called—they began to try to persuade the men working in the mine to leave it; and, of course, I couldn't grant any further permits of that sort.

Chairman WALSH. Did or did not the labor department refuse to carry out any orders that you issued to them?

Gov. AMMONS. I had no right to give them any orders.

Chairman WALSH. Well, did you attempt to secure—

Gov. AMMONS (interrupting). Well, they never waited for me to try very much, but they started right out in opposition. And then, after this one man

appeared in my office to tell me that I had to do certain things within five days or he would begin a recall—start a recall petition against me—he came in the next morning I think and said he was trying to help me.

Chairman WALSH. During the time of this conference, when Secretary Wilson was present and the question of the recognition of the union came up, did or did not Secretary Wilson advise these employees to waive the question of recognition?

Gov. AMMONS. I have forgotten what the language was; but the understanding was, by both Secretary Wilson and myself—he expressed great surprise when this thing was ever brought up—that it was not to be mentioned in the conference, because we could not have gotten the conference with any understanding of that sort.

Chairman WALSH. Well, toward the close of the conference did Secretary Wilson tell them that they should waive the proposition of recognition of the union and see if they could not settle it along the other lines?

Gov. AMMONS. I have forgotten what his language was, but he rather warned these men that they should not ask too much; and he told them a story to illustrate his point. I don't mind repeating the story if you want to hear it, because it explains the situation very fully.

Chairman WALSH. Well, if it is illustrative and pleasant——

Gov. AMMONS (interrupting). He said, while they were all standing at my table in front of my desk—the Secretary said it reminded him of the story of a man that hunted monkeys in South America. He said the monkeys were up in the trees, and the hunter would take rather small-mouthed bottles and fill them partly with nuts and fasten them securely to the foot of the trees. Then the hunter would go away and the monkeys would come down and put their hands down in the bottle and get them full of nuts, and then they could not get their hands out and they would not drop any of the nuts, but just squeel and hold onto those nuts until the hunter would return and get the monkey.

Chairman WALSH. Now, Governor, is there any other statement that you desire to make of your own—any voluntary statement?

Gov. AMMONS. I don't know of any; I don't recall anything. Of course, if there is anything you want, and I haven't it here, I have it in my office.

Chairman WALSH. If there is anything we will ask your secretary here, and also as to those letters.

Gov. AMMONS. Yes; my secretary will furnish anything in the office that you want; and if there are any of these matters come up later before you are through that you want to ask me about, I will be very glad to furnish any information I have, Mr. Chairman.

Chairman WALSH. Commissioner Lennon asks me to ask you whether you have any knowledge as to any want of any enforcement of the laws, particularly enforcement of existing laws, in coal territory at the time you came into office and prior to the time you came into office, Governor.

Gov. AMMONS. No, sir. I had had complaints—I know I have heard in a general way that there had been a good deal of dispute over those conditions down there because of the strike and things in the past; and I recall those only as I read them in the newspapers as any other citizen would.

Chairman WALSH. You have no first-hand knowledge?

Gov. AMMONS. No. I did desire earnestly to enforce these laws as all others, and asked these gentlemen when they were talking about the strike to give me an opportunity to enforce those laws before the strike should be called. I tried to secure the enforcement of those laws. The enforcement of this present law, you know, depends upon receipts from a tax put upon the output of mines for its enforcement. We have been hampered a little bit in putting the new law into effect, but we are putting it in as fast as we can; and the man at the head of that department is a member of organized labor, and I think he has tried to be very efficient as far as I know. I know he has been earnestly endeavoring to put that law into effect. I know he has been charged with a little prejudice because he has been a member of that organization, but he has always expressed to me his very earnest desire to put the law into effect, and I have given him every assistance that I could with what means we have had with which to work. And while probably it is not perfect yet, and perhaps the law itself is not perfect yet, I think it is making great progress and that conditions are a good deal better than they were.

Chairman WALSH. Have you given any thought, Governor, so that you may make suggestions as to any amendments in the law that would make for industrial peace?

Gov. AMMONS. In this State?

Chairman WALSH. In this State.

Gov. AMMONS. Not in that law. Here is one thing I do want to say, Mr. Chairman, and I almost forgot it. That is that this is not a local fight. If it had been I think we could have settled it. This strike was not called, and it was not financed within this State, really. That is, the causes, the main purpose for which it was called, were not local entirely; and it has been controlled and financed from outside of the State, partly on one side and almost wholly on the other. And the recommendation I have, above all other things, is what I went to Washington for. If I had been permitted to carry out my mission, it was to urge upon Congress the absolute necessity of legislation regulating national matters of this kind by national law. I can see how it is an utter impossibility for any of these weaker States here, without bankrupting themselves and bringing about a bitterness over such contests as this, that are bound to last for years and have a bad influence upon industrial and business conditions in these Western States. To illustrate this, Colorado is not a district of the mine workers' organization by itself; but I think Colorado, Utah, and New Mexico form one district, none of them unionized; and the fight started to unionize these three States; but it was not started in all three States, but started in one State at one time by a national organization with headquarters in the East, with the purpose that, if it was won in Colorado, then they would take it up in New Mexico and Utah, or vice versa. It is therefore an interstate matter. C

Now, both sides to this controversy, so far as we are concerned, are wealthy. Both sides are powerful. Both sides have been financed, one of them partly and the other almost entirely, from outside of our boundaries; and locally it is an utter impossibility, no difference how hard we try to control this situation, to do so. It seems to me the most imperative duty of Congress to take charge of these great national organizations with hundreds of thousands of members, and organized capitalists on the other side, if you please, and provide some legislation that will at least assist the States in controlling such controversies in the future. Now, I am more concerned about the future than I am about the past. That is over. It has been an awful bad dream for us here. The only satisfaction I have got is that with what little knowledge I had of strike conditions from my own experience I have tried to handle it in the best way I could under the circumstances; and I realize that our States are going to be helpless in the future if this situation is not met squarely by Congress and if some legislation be not enacted by Congress to control it. I am in favor, in our own State, after having looked up what laws I could find in the country and in other countries, of a mediation act something along the line of this railway employees' act passed a year or two ago and with which doubtless you are all acquainted, and perhaps of the law in Wisconsin. That seems to suit our situation better than any other.

But, I want to say this, that during the time of the special session of the legislature I was asked to enlarge my call for compulsory arbitration, and I could not find where we could make that effective, because we could not make the awards effective. I could not find anything else that would fit our particular case here where the strike was to unionize the State. When this matter was called to my attention by a committee of the legislature, I called them to come down and talk the matter over with me, and I said to them, "Now, you find something that will settle this situation here, and I will enlarge my force, if I am permitted to do so, and if not I will call the legislature directly back on leaving town and put it in effect," but they, I imagine, upon investigation were in the same position that I was, they could not find anything. And to this day I am not prepared to offer anything more than I have just now, except this. Finally, I want to say that the greatest of all is violence. I do not know anything to stop strikes, and I do not know that they should be stopped. I don't know any way to stop lockouts. I can not discover any way to compel these people to get together and force a settlement. But it does seem to me that our laws should be strengthened very much to prevent any sort of violence by either party to a dispute of the kind, and I can not understand why there should not be some way worked out by those who are experts in this matter under which industrial disputes would be settled by lawful means in the courts as well as any other kind of disputes. If we are to go upon the other basis that they are to be settled by intimidation or threats or violence that either side of the controversy can control, then it is only a question of

the strongest arm, and by a union of either side, either capital or the other, in this country, there certainly might come such a conflict, the results of which we would not want to contemplate.

And there is one other thing, Mr. Chairman, that I think is vital, and that is the press agency. I do not believe that the coming of such men as George Creel and Upton Sinclair and John Reed and Rev. Atkinson, and perhaps some others, to Colorado for their magazines was an accident. The greatest difficulty that I found here at the time after that Ludlow affair, was that; and if you have any doubt about that I hope you will go into that very fully from those on the ground.

Chairman WALSH. You wish us to go into the attitude of the press?

Gov. AMMONS. Just one or two more sentences on this. The greatest difficulty I had was the absolute misrepresentation of everything in the public press; and we were powerless either to correct it or to get the facts stated to the public, and the public excitement was simply tremendous here, and even an appeal to arms couched in crafty language that could not be prosecuted, but was understood just as well as though made in the most violent language in the world, was published by our leading papers, and apparently everything was done to excite the public; and the country was thoroughly misinformed, and is yet, for I have just been East and I find the same opinion still exists as to conditions here, and the only object that I could find in that, was creating sympathy for the purpose of raising funds to support the war.

Chairman WALSH. Anything else?

Gov. AMMONS. I don't think of anything else. If you want to ask me any questions, I will be glad to answer them.

Chairman WALSH. Is there anything else?

Gov. AMMONS. I do not think of anything else. If you want to ask me anything, I am willing to answer it.

Chairman WALSH. That is all, thank you.

Gov. AMMONS. If I think of anything Mr. Chairman, before you adjourn, I will communicate with you. I will be glad to come again if you wish.

Chairman WALSH. We will be very glad to have you do so. You may be excused; thank you.

Mr. Osgood.

TESTIMONY OF MR. J. C. OSGOOD.

Mr. OSGOOD. Shall I be sworn?

Chairman WALSH. No; we do not swear the witnesses. State your name, please.

Mr. OSGOOD. John C. Osgood.

Chairman WALSH. What is your business?

Mr. OSGOOD. I am engaged in operating coal mines.

Chairman WALSH. And what is the name of your company, or the names of your companies?

Mr. OSGOOD. The Victor-American Fuel Co.

Chairman WALSH. Are you connected as an official, director, with any other coal company?

Mr. OSGOOD. No, sir; I am not.

Chairman WALSH. How long have you been connected with that company?

Mr. OSGOOD. Well, that company under its present name, was organized, I think, in 1909, and predecessor companies under similar names prior to various reorganizations in connection with them date back to about 1901.

Chairman WALSH. How long have you been connected with the coal industry in the State of Colorado?

Mr. OSGOOD. About 33 years—32 years.

Chairman WALSH. With what companies have you been connected during that time?

Mr. OSGOOD. I organized the Colorado Fuel Co. in 1882. In 1892 it was consolidated with the Colorado Coal & Iron Co., forming the Colorado Fuel & Iron Co. I was connected with that company from 1892 until 1903, when I retired.

Chairman WALSH. Until 1903. And since that time, what companies have you been connected with?

Mr. OSGOOD. The Victor-American Fuel Co.

Chairman WALSH. Now, I would like you, if you will, please—have you given personal attention to this business since 1892?

Mr. Osgood. I was engaged in the coal business long before that, before coming to Colorado.

Chairman WALSH. Whereabouts?

Mr. Osgood. My coal business prior to coming here started in 1870, in Iowa; and I was interested in coal mining operation in Illinois and Iowa until 1892, and also for a portion of the time after I came to Colorado, I still retained some of my interests in Iowa and Illinois.

Chairman WALSH. Since 1882 have you maintained your residence in Colorado?

Mr. Osgood. I think that I have maintained my legal residence in Colorado since 1882. I have been away a great deal. I have lived to some extent in New York, and to some extent abroad during the years that have elapsed.

Chairman WALSH. Have you had an office or place of business here during all of that time?

Mr. Osgood. Yes, sir.

Chairman WALSH. Whereabouts?

Mr. Osgood. Well, I think that my—always in Denver.

Chairman WALSH. Always in the city of Denver?

Mr. Osgood. Yes; so far as the office is concerned.

Chairman WALSH. I wish, if you will, Mr. Osgood, you would give a historical sketch of the troubles that have arisen, and that have existed in the coal mining industries in Colorado, beginning with the time that you had first-hand knowledge of it.

Mr. Osgood. The history is comparatively brief.

The first strike of anything more than of local importance or that lasted more than a few days or a week, some local disturbance, was the strike which occurred in 1893, the so-called Debs strike, a sympathetic strike that grew out of the labor disturbances that were spread all over the country. There were no particular demands made by the coal miners of Colorado. They simply stated that they struck out of sympathy for the men that were on strike in other parts of the country. The next strike——

Chairman WALSH. How extensive was that strike, Mr. Osgood?

Mr. Osgood. It was not at all complete. Some mines were out entirely, some mines none of the men went out, some of them worked throughout the period of disturbance and others of them were entirely closed down. It was not a complete strike, although it was quite general in different sections of the State.

Chairman WALSH. I was going to ask you, did it take in the northern and southern fields, both?

Mr. Osgood. I had no interest in coal mining in northern Colorado, and I do not recall at this time whether there were any mines in northern Colorado that went out. My impression is that there were not. I was then with the Colorado Fuel & Iron Co., and we had mines in almost every other section of the State, and some of these mines worked throughout the strike, and in some mines the men went out.

Chairman WALSH. Historically, Mr. Osgood, do you know anything about the strikes of 1884, 1885, and 1886, the Knights of Labor troubles?

Mr. Osgood. You mean in the East, or out here in this country?

Chairman WALSH. Out here.

Mr. Osgood. I don't know of anything, except local strikes. I don't know anything that was State wide, or general strike here in those years.

Chairman WALSH. Now, in the strike of 1893, was there an organization in the field, a labor organization?

Mr. Osgood. No, sir.

Chairman WALSH. It was just a sympathetic strike?

Mr. Osgood. A sympathetic strike called on the A. R. U. This growing out of the so-called Debs strike.

Chairman WALSH. Were the militia called out in that strike?

Mr. Osgood. Federal troops were in some cases.

Chairman WALSH. Were there fatalities, collisions between the military forces and the miners?

Mr. Osgood. Not to such an extent that they have impressed themselves upon my memory. There may have been one or two, but it was not general.

Chairman WALSH. After the strike came on, was there any effort on the part of any organization, any labor organization, to organize the miners?

Mr. Osgood. Not at all, at that time.

Chairman WALSH. Not at all. And you say that there were no specific demands made, that it was purely a sympathetic strike?

Mr. Osgood. A sympathetic strike.

Chairman WALSH. How long did it last?

Mr. Osgood. Well, on that I am not clear in my mind, but it seems to me it was all over within 60 days; but I may be wrong about that; that is my best recollection.

Chairman WALSH. Now, when was the next strike?

Mr. Osgood. The next strike occurred in 1903, in the fall of 1903, and terminated in June, 1904.

Chairman WALSH. Was there any organization in the field at that time?

Mr. Osgood. There was no organization, so far as I know, that had any contractual relations with the coal operators. There was an organization which was attempting to unionize the men.

Chairman WALSH. What organization?

Mr. Osgood. United Mine Workers of America.

Chairman WALSH. That was in the fall of 1903 until June, 1904?

Mr. Osgood. Yes, sir.

Chairman WALSH. That was in the fall, was it? How extensive was that trouble?

Mr. Osgood. Why, it was State wide. There may have been mines that did not go out, but if so they were very few. It was a strike that in many respects was very similar to this strike of 1913-14. Demand was made that the operators should sign a contract with the United Mine Workers of America and operate their mines as closed shop—on the closed-shop principle. And the men who were called out went out just about as they did at this time. Some of the mines, most of them remained—some of the men—and at others none of them remained. They established camps, and violence was started from the very inception of the strike, and troops were called out, and the strike was finally called off in June of 1904. That was under the presidency of John Mitchell of the United Mine Workers of America.

Chairman WALSH. Do you recall who was governor of Colorado at that time?

Mr. Osgood. Gov. Peabody.

Chairman WALSH. Was there an attempt at that time to bring the operators and the coal men together in a conference?

Mr. Osgood. I do not recall at this time what efforts may have been made in that direction. I presume that there were, but I have no recollection of the details of it.

Chairman WALSH. Did your company attend a conference? Did you send a representative—the Colorado Fuel & Iron Co.?

Mr. Osgood. No; I was not with the company at that time, and I had not commenced any active work with the Victor-American. And in the inception of the strike I was not in Colorado. I was in Europe. And it would be true that with the inception of the strike there would be many of the details that I would not be familiar with?

Chairman WALSH. Yes.

Mr. Osgood. The strike was gradually fading away when I returned in about January or February of that year.

Chairman WALSH. Do you recall that the demands that were made at that time—

Mr. Osgood. No.

Chairman WALSH. I have it here and I will call your attention to it to refresh your memory, from the records at Washington.

Mr. Osgood. Yes.

Chairman WALSH. The demand at that time was for an eight-hour day, semi-monthly pay day, abolition of scrip, 20 per cent increase on contract and tonnage, 2,000 pounds to constitute a ton instead of 2,400 as formerly, same wages per eight hours as for the hours that then existed, better supply of pure air as is prescribed by the State law at that time.

In a general way were those the demands that were made?

Mr. Osgood. I do not doubt that that is correct, but I could not recall them myself.

Chairman WALSH. Now, that was without result at all. The same general conditions existed that existed during this strike, the militia were called out, there were altercations, violence, and gradually it faded away?

Mr. Osgood. Yes.

Chairman WALSH. Now, when was the next trouble?

Mr. Osgood. As an outgrowth of the strike of 1903-4, the group of mines in northern Colorado, which field produces about 15 per cent of the coal pro-

duced in the State, signed a contract with the union and were operated for a year or two as union mines.

Chairman WALSH. When was that, Mr. Osgood?

Mr. Osgood. That was in—they probably signed it along in 1904, the early part of the year.

Chairman WALSH. After this strike was declared off?

Mr. Osgood. No; before the strike was declared off. The operators in the rest of the State refused to sign contracts, but the other companies in northern Colorado, a company which controlled the largest part, the largest number of mines in that district—

Chairman WALSH. Well, what were those companies?

Mr. Osgood. Well, that was the Northern Co. It was owned very much—the larger portion of the mines in the district—

Chairman WALSH. What company was that?

Mr. Osgood. The Northern Colorado Coal Co. They signed a contract with the union. It was a company controlled by one of the bankers of Denver, Mr. Kountze, and they had not had previous experience in the coal business, and they wanted to try the experiment to see if they could work under a union contract; and I think that they had strike troubles from the beginning, the very start, which continued on for a period of about six years, as long as they signed up. Then they refused to sign contracts any further, and the strike occurred all over their district, in all of their mines, which has never been called off to this day, although the mines after a few months were filled up with non-union men or the men who were willing to work under nonunion conditions, and they have been operating that way ever since. The strike is still a strike in name, and a great many of the men who quit work at that time are still staying around the mines in northern Colorado supported by the United Mine Workers of America, whose conduct undoubtedly had more or less to do with the beginning of this strike.

Chairman WALSH. That has existed since 1904?

Mr. Osgood. No. I should say the strike that this is the outgrowth of was in 1910.

Chairman WALSH. In 1910?

Mr. Osgood. It commenced.

Chairman WALSH. Did this condition you have mentioned exist since 1904?

Mr. Osgood. Yes, sir.

Chairman WALSH. And certain of the men are still there?

Mr. Osgood. About six years in which they were trying to work in the northern field under union conditions, and they had more or less local strikes all over the field during that period, and there was a great deal of trouble.

Chairman WALSH. Yes; but this condition about men remaining there and being supported?

Mr. Osgood. That existed since 1910.

Chairman WALSH. Now, please state generally the occurrences of 1910 that changed the condition. In 1910 did I understand that they cut off all relation with the United Mine Workers of America?

Mr. Osgood. Yes. They refused to sign a contract. Soon after that the properties were sold by the Northern Colorado Coal Co. to the Rocky Mountain Fuel Co., who now operate them. There have always, I think, been some smaller mines operated under union contract during that period, but 90 per cent of the mines, I should say, were operated under nonunion conditions.

Chairman WALSH. Now, Mr. Osgood, I wish you would state as concisely as you can the history of the Victor-American Fuel Co. with respect to strikes and labor troubles.

Mr. Osgood. The Victor-American Fuel Co., or its predecessor companies—that I was not connected with until 1901, and not actively connected with until 1904—I had an interest in it in 1901, but I was not actively connected until 1904. This is the only strike that I have had any personal part in. I have known since I have been with the Victor Co. of the strike of 1904—it was partially over—was conducted by the then officials of the company; and while I advised them I did not take an active part in it.

Chairman WALSH. In the strike of 1904, did this company attend any conferences—the reason I am asking is I notice some companies, the record in Washington shows, attended conferences with the miners. Did the Victor-American?

Mr. Osgood. I don't recall that they did.

Chairman WALSH. Now, then, this would be the first strike in which your company had any part under your management?

Mr. Osgood. Yes.

Chairman WALSH. Under your direction?

Mr. Osgood. Practically so; yes.

Chairman WALSH. Now, at the time this strike was called, which seems to be September 23, 1913, was there any organization of mine operators in existence?

Mr. Osgood. No, sir; there was not.

Chairman WALSH. There has been testimony given here of a committee of mine operators. I wish you would please detail the formation of that committee.

Mr. Osgood. The delegate convention of the miners, the so-called delegate convention—I think it met on the 16th of September and voted to call the strike on the 23d. Some time in the week between the calling of the strike and its actual going into effect the coal operators of the State were invited. I think by myself, and perhaps by some other operators in Denver, to meet in the office of the Rocky Mountain Fuel Co., and discussed the situation brought about by the proposed strike. And there was a large attendance. I should say—I think the figures were taken at the time—that it represented practically 95 per cent of the coal mined in the State. We discussed the strike, what our attitude should be toward it, and the opinion was unanimous, there was not a dissenting voice that we should not agree to the unionization of our mines, or the signing of contracts with the United Mine Workers of America; and all of the operators present agreed that they would not sign contracts unless their financial condition was such that they could not longer hold out, and then they would notify the other operators of their inability to keep up the struggle.

It was suggested that the committee which was named, Mr. Welborn, Mr. Brown, and myself, should take the lead in doing what we thought was necessary in the interests of all in conducting the publicity as to our position in regard to the strike, and as to any general matters, matters of general interest that might come up. And from that time on we had almost daily meetings with each other during the most or more serious portion of the strike, mostly in my office.

Chairman WALSH. Who presided over this first conference?

Mr. Osgood. I think Mr. Brown, as a matter of courtesy, occupied the chair and acted as chairman, so far as there was a chairman.

Chairman WALSH. And it was out of that conference that this executive committee was selected—that first conference?

Mr. Osgood. Well, we did not form an organization then. There were no signatures. There was a viva voce vote at the time when these names were suggested, and the men were asked as to their approval of this choice. After that the proceedings were always informal, the meetings were held in my office, and usually Mr. Brown, Mr. Welborn, and myself being present, and other operators would come in when they were in town when they felt like it. In the early part of the strike there were always a good many of them coming in and talking over developments; as it got to be a more settled condition of affairs, settled condition of trouble, why, they gradually ceased to come; and throughout the strike and until, I should say, about the time the congressional committee came out here, we had these daily meetings, and then afterwards they were dropped and we met occasionally.

Chairman WALSH. What provision was made for finances?

Mr. Osgood. The statement was made at the first meeting that there would be expenses and that all the operators should bear their share of them on a tonnage basis, and that was agreed to, whether by actual vote, or by consent that came from silence and apparent assent. The expenses have actually been borne by the three larger companies, and they have never been participated in or divided up with the other companies.

Chairman WALSH. Those are what companies?

Mr. Osgood. The Colorado Fuel & Iron Co., the Rocky Mountain Fuel Co., and the Victor-American Fuel Co.

Chairman WALSH. Were the expenditures made by resolution of the board of directors of the various companies, or were they called upon by the officers?

Mr. Osgood. I can not answer for either of the other companies. As far as our company was concerned, they were made by the executive officers of the company without any action by a board of directors.

Chairman WALSH. And the funds were placed in the hands of this executive committee?

Mr. Osgood. No. Each company paid some of the bills, just as a matter of convenience—paid them in the course of a month. A bill for inserting some

advertising we put in the papers in trying to state our case to the public. We did it mostly by advertisements. When the bill came in I would pay it. We kept account of the expenditures of that character, and quite recently we have divided them up, and the three companies have each borne their share of them in an equalizing way.

Chairman WALSH. What expenditures were there outside of expenditures for publicity?

Mr. Osgood. The three companies had certain expenditures in connection with guarding their properties that they did not consider belonged to the whole body of operators; that they were local to themselves. The three companies have mines adjacent to one another and acted in some of the matters jointly in the questions that related to the protection of properties.

Chairman WALSH. In addition to the expenses of the executive committee, what other expenses were met by the executive committee that were borne by these three companies afterwards?

Mr. Osgood. All expenditures that I say, expenditures for publicity, these expenditures that were for the three companies for protection of property; those were essentially all of the expenditures. Then we sometimes—I think once or twice, to gain special information or for some special purpose, we may have sent a representative to Washington. There was such an expense as that that was borne where we wanted to call the attention of authorities to some facts or trying to correct some wrong impressions of the conditions.

Chairman WALSH. Was presentation of the demands by the United Mine Workers presented individually to your company or to you prior to the calling of this strike?

Mr. Osgood. The demands that were made the basis of the strike were formulated at the meeting of the 16th of September. Prior to that there were no formulated demands. The governor stated to us that the only demand was for the recognition of the union. That was the only thing that was specifically put before us until the convention, the delegate convention of September 16. Then those demands we saw at once in the press, and I think they mailed us a copy of the demands.

Chairman WALSH. Now, when that demand was made for recognition of the union, were specifications given as to what they meant by them?

Mr. Osgood. There was never any specification in writing, and as we did not confer with the United States Mine Workers, we only knew what recognition meant from previous relations with them and from the relations of other operators with them, and our understanding throughout was that the recognition of the union carried with it the signing of a contract. In fact, I think some of the operators who did sign up showed us copies of the contract, and we knew from that what the recognition meant. The signing of a contract meant making the mine a closed mine, and requiring a check-off, and the various regulations that are usually introduced in those contracts.

Chairman WALSH. Your understanding was that recognition of the union meant closed shops?

Mr. Osgood. We all knew it meant a contract with this organization, which contract would include an agreement for the check-off and closed shop.

Chairman WALSH. The idea was never given to you by any representative of the United Mine Workers, or the idea was never presented to you that there was any such construction of the recognition of the union, but simply dealing with committees of your employees or any of the men?

Mr. Osgood. Never.

Chairman WALSH. Without regard to their affiliation with the labor union?

Mr. Osgood. No.

Chairman WALSH. That was never presented to you?

Mr. Osgood. No. Pardon me. You have spoken of an executive committee. It has not—we never had any title.

Chairman WALSH. Well, it is this committee?

Mr. Osgood. Yes.

Chairman WALSH. Yes.

Mr. Osgood. Yes; it is all right to call it anything you want.

Chairman WALSH. But we have to call it something now, because we are going to talk about it. You can call it anything you like.

Mr. Osgood. Just a committee.

Chairman WALSH. A committee of operators.

Mr. Osgood. A committee of operators.

Chairman WALSH. I wish you would state what is the average wage scale in your mine.

Mr. OSGOOD. I can very readily get it for you. I can not tell you off-hand the wages that are paid to the different men—the different classes of men. The miners are paid by the ton, and the price per ton varies with the thickness of the vein and the ease with which it can be mined. The price of mining in Colorado varies from 55 cents a ton, in some of the thicker veins, to \$1 a ton in some of the thinner ones. It can not be stated in any one general statement. The wage scale, I happen to remember some of the wages, the wage scale of some of the more important of the inside men is \$3.10 a day. I can't tell you from memory the detailed wages of the different classes of labor.

Chairman WALSH. But you can give us that?

Mr. OSGOOD. That can be furnished. I can, or some other witness will be glad to.

Chairman WALSH. I wish you would do it for your company.

Mr. OSGOOD. Very well.

(See Gove Exhibit No. 1.)

Chairman WALSH. How is that wage scale determined?

Mr. OSGOOD. Well, it has been a growth for 30 years, I think it has been. When I came out here I found a certain scale of wages in effect, and gradually from time to time they had been advanced. I do not think there has ever been a reduction.

Chairman WALSH. When was the last advance made?

Mr. OSGOOD. The last advance was made in April, preceding the strike.

Chairman WALSH. April, 1913?

Mr. OSGOOD. April, 1913.

Chairman WALSH. What was that advance?

Mr. OSGOOD. Approximately 10 per cent.

Chairman WALSH. How was it determined? Who was it determined by?

Mr. OSGOOD. Well, I don't know who first suggested it. It was brought up when there was a good deal of talk of the high cost of living, when advances in wages had been given in various industries in other parts of the country, and some one of the officials of the other companies suggested to the others that probably it would be a good time for us to reconsider the scale and to give an advance.

Chairman WALSH. Had any demand—

Mr. OSGOOD. We talked it over and decided on giving this advance.

Chairman WALSH. Had any demand been made upon you as president of this company by individual workers in the mine for increased wages?

Mr. OSGOOD. None whatever.

Chairman WALSH. Had any demand been made by individual workers in the mine, so far as you know, prior to the time the increase was made upon any other officer of your company?

Mr. OSGOOD. I don't think there was. There was apparently no movement on the part of the men to secure an increase in wages at that time.

Chairman WALSH. So far as you were advised the men were perfectly satisfied with the wages they were getting?

Mr. OSGOOD. Yes, sir; so far as I knew.

Chairman WALSH. Was that true with respect to the other conditions of the labor?

Mr. OSGOOD. We had no knowledge of any dissatisfaction whatever.

Chairman WALSH. Up to the time that increase was made there had been no demand for it on the part of the employees? Had there been any efforts from individual employees as to the number of hours that they were working?

Mr. OSGOOD. No; I do not think the men at our mine were ever deeply interested in the eight-hour day. Some months before the strike was called we put the eight-hour day in effect. The law had been passed by the legislature after a long struggle against the eight-hour law which would go into effect after the strike was—some time after the strike was called, I can not recall the exact date, but we put it into effect at once before the time stated in the law. That was done without any demand on the part of the men.

Chairman WALSH. Leading up to that time, my information is that that increase was made in the latter part of 1912; is that correct?

Mr. OSGOOD. Well, Mr. Welborn is here and he can correct me if I am wrong.

Chairman WALSH. Was it 1912 or 1913?

Mr. OSGOOD. When was the advance of 10 per cent?

Mr. WELBORN. In 1912.

Chairman WALSH. That was my information. Now, prior to that time, had there been any complaints from the individuals working in your mines as to other conditions under which they were working?

Mr. OSGOOD. None whatever.

Chairman WALSH. None whatever? To whom would those complaints come if there were such?

Mr. OSGOOD. They would naturally go, in the first instance, to the superintendents of the mines, and we had our ear pretty close to the ground all of the time and would know whether there was any dissatisfaction among the men, because since the United Mine Workers were organized in northern Colorado they almost always had organizers in the districts where our men were in the south, and we were aware that they were attempting to bring about an organization of our men and we were very anxious to know, as were our superintendents and our general managers and others, what the attitude of the men was so that by all means that were possible we were trying to keep in touch with the disposition of the men working in the mines and of the conditions in the mines.

Chairman WALSH. Do you recall any complaints that came from individuals working in the mines with reference to wages, hours of labor, and conditions under which they worked?

Mr. OSGOOD. No, sir; I don't.

Chairman WALSH. Now, excuse me if I didn't get what you said, because I was thinking of something else. How did the change to eight hours come about in your mines?

Mr. OSGOOD. I think that suggestion first came without any consultation at all. I think the C. F. I. Co., as a matter of courtesy, notified the company I was connected with that they were going to put the eight-hour day into effect before the law required it, so that if we felt—

Chairman WALSH. When did this law go into effect?

Mr. OSGOOD. I have been trying to think of the date, but I haven't got it accurately so that I can tell you.

Chairman WALSH. But you put it into effect in your mines?

Mr. OSGOOD. At the same time.

Chairman WALSH. Prior to the time the law—

Mr. OSGOOD. Prior to the time the law went into effect.

Chairman WALSH. Covering what length of time was there an agitation for eight hours as a workday?

Mr. OSGOOD. I should say it was agitated for a number of years, but the agitation was all outside our mines. As far as I could ascertain, there was no general desire among the miners for an eight-hour day. The day men would always have been glad of an eight-hour day and two hours less work with the same pay, but there was no agitation in regard to it. The agitation was on the part of the labor leaders, and usually before the legislature at each session of the legislature an attempt to secure the passage of an eight-hour law, which we contested. Personally, I was strongly opposed to it and contested it as hard as I could.

Chairman WALSH. What legislature was it that passed it?

Mr. OSGOOD. I can not give you, I do not think, the exact dates. The history of it—in the first instance, an eight-hour law was passed which was immediately almost declared unconstitutional by the supreme court. That was the first move, and it may have been as far back as 1910, or even a little earlier than that.

The law was declared unconstitutional, but I think the decision pointed out how it could be made constitutional; at least, it was apparent from the decision that a constitutional amendment would make the law constitutional, and a constitutional amendment was proposed and carried by the people, which empowered the legislature to limit the hours of labor in occupations considered dangerous to life, and where that protection the legislature deemed necessary, and the session which followed the adoption of that constitutional amendment discussed and finally adopted an eight-hour law. The operators contended that the law should be confined strictly to what the constitution seemed to provide for, and that was to limit the operation of the law to such occupations as were in direct contact with dangerous gases. In effect the law which the legislature passed—and both sides were heard—was a law which made it an offense to work more than eight hours where there were noxious gases or gases dangerous to life or health, and was construed to limit it simply

to the miners working at the face of the coal and not drivers on the mine entries where the air was distributed nor to any men on the outside of the mine. That law went into effect, and so far as the companies were concerned they were not charged with the responsibility of carrying it out beyond the fact—I don't know that it is so stated in the law, but they notified their men and put up notices that men working at the face of the coal only would be limited to working eight hours. I might say parenthetically that as a rule the men that worked by the ton, the contractors that worked at these rates, by the ton, prior to the eight-hour law had gone into the mine and quit practically as they chose, coming out early in the afternoon if their work was completed, but going in at about the same time. Beyond notifying them that the law required them to work only eight hours a day I do not think the operators paid any further attention to it.

Chairman WALSH. What character of occupation is affected by the eight-hour law?

Mr. Osgood. Simply miners working at the face of the coal. No other labor. That law at the next session of the legislature—our sessions are two years apart, and I might not have gone far enough back—in 1910 there was another law passed which is practically the present law, which covered all inside labor in the mines and about the coke ovens. That law was passed and was referred under our referendum and initiative, which made the law inoperative until it was voted on by the people and that deferred its operation for two years. And at the same time it was referred a law similar to one then in effect was submitted to the people, and in the election following both laws were adopted by the people. They are more or less contradictory in their character, one providing that—applying only to men working at the face and the other to all men working underground. The supreme court finally put the one law that is now in effect in force, but we had put it in effect before the case was decided, and it became effective later.

Chairman WALSH. During the agitation leading up to the constitutional amendment—prior to that time was there any attempt made by your employees?

Mr. Osgood. No.

Chairman WALSH. Made by any of your employees to take part in any agitation that was had in the State?

Mr. Osgood. No, sir; I don't think so.

Chairman WALSH. Did any of your employees send any petition to the legislature or appear before any legislative committee?

Mr. Osgood. No; I do not think any of them did.

Chairman WALSH. So they made no request upon you and took no active part in the passage of the law?

Mr. Osgood. None whatever.

Chairman WALSH. Now, approximately, how many men do you employ in your mines when you are running full?

Mr. Osgood. About 1,500.

Chairman WALSH. And it ranges down to what?

Mr. Osgood. Why, I think that—that at the present time we have something in the neighborhood, I think, of about 1,000 men.

Chairman WALSH. How many did you have at the time this strike was instituted—the present strike?

Mr. Osgood. I should say in the neighborhood of 1,200 men.

Chairman WALSH. Now, what were the nationalities of those men?

Mr. Osgood. There were about 25 per cent, I have been told by the officers of the company, who have looked the matter up, who are so-called English-speaking people, and about 75 per cent of a variety of nationalities—Italians, Austrians, and various Slavic nationalities, Montenegrins, Greeks, some Mexicans, and some Japanese; but I should say that the largest percentage would be Italians and Austrians. The Greeks came in more recently.

Chairman WALSH. Prior to—that is, at the time of the strike of 1893—what was the predominating nationality in the mines? The point I want to get at is a little historical sketch as to the disappearance of what you might call American miners and the entrance of those of northern Europe?

Mr. Osgood. I don't think they have disappeared, but the coal business has grown from 1882 or 1883. The State was then producing about 1,000,000 tons of coal a year, and the production reached as high in 1911 as about 12,000,000 tons. The class of men we had at work in the early years did not disappear, but other men came in to supply the increased demand for labor in the mines, and the only source of supply was foreigners immigrating to this country, and we had to take them. In the first instance, they were Italians;

later on Austrians came in, and in more recent years the Greeks. They drifted from the seacoast out through the different mining States to Colorado, without any effort on our part, except to create such conditions in the State as would draw labor to the State.

Chairman WALSH. Aside from the times of industrial disputes—when such disputes were going on—how were the mines equipped with labor? How did you get them? Did you have employment agencies?

Mr. Osgood. I think we have always had—we always had in the Colorado Fuel & Iron Co.—some man we call labor agent, and we were operating both steel works and mines, and when there was a demand for labor—I don't think we ever imported labor, except at the time of strikes, in any large quantities, but he would go around among the men and urge them to write their friends in the East and get them to come out, and the mine superintendent might do the same; and the saloon keepers knew the men, and they acted as employment agents in writing to other cities where they had friends and inducing men to come in. We never had any considerable machinery. When there was a demand for labor it was gradually forthcoming. We were often short of men at first.

Chairman WALSH. When did the first Mexicans come to work in the mines?

Mr. Osgood. Those are the Mexicans that have always lived in this country. This part of the country has a large Mexican population, and also throughout Colorado there have always been more or less Mexicans working in the mines since early days.

Chairman WALSH. Your company, the Victor-American Fuel Co., has not maintained any agencies any place else in the United States, or dealt with agents to supply labor at any other places in the United States?

Mr. Osgood. Except at the time of strikes, and then we maintained no agencies. We have our office in Denver, and one in Trinidad, and sometimes in Pueblo. Those are labor centers, and those offices would be on the lookout for men. They would go to labor agencies in those cities.

Chairman WALSH. In the strike of 1904, what would you say was the proportion of English-speaking men employed in your mines at that time?

Mr. Osgood. I should say it was not much greater than it is to-day.

Chairman WALSH. It was not much greater than it is to-day?

Mr. Osgood. That is correct.

Chairman WALSH. That is about 25 per cent?

Mr. Osgood. Yes.

Chairman WALSH. In 1904—the strike of 1904 was conducted by whom; that is, was it conducted by the English-speaking workers, or non-English-speaking workers, the foreigners?

Mr. Osgood. When you speak of "conducted." It was conducted by the United Mine Workers of America, and not by our employees, except such of them as went out on strike and joined the union.

Chairman WALSH. How many of your employees went out on strike and joined them?

Mr. Osgood. I can not recall; at some mines none went out, and at some mines all went out, and at other mines a portion went out.

Chairman WALSH. What nationality went out?

Mr. Osgood. I do not think I could tell you at all. I think they went out from all nationalities, both English speaking, and the Italians and Austrians.

Chairman WALSH. Have the mine companies to your knowledge, ever maintained agencies at New York or New Orleans for the purpose of deflecting immigrants this way?

Mr. Osgood. No, sir; we have not. We looked into the matter a good many years ago, when I was with the Colorado Fuel & Iron Co.; we sent a man down to New York to find out if we could get any immigrants at first-hand when they landed and we were informed that such a small percentage of the men that came were unconsigned—that is, did not have their destination already determined beforehand—that it was useless to attempt to get men, and that until they had gone to their destinations as they originally intended to go, they could not be induced to go elsewhere, and we never made any attempt to get any men by any agent or representative at the seaboard.

Chairman WALSH. When was that?

Mr. Osgood. I should say 15 years ago.

Chairman WALSH. At that time you found those laborers that were coming over here had definite destinations?

Mr. OSGOOD. Yes; that they had definite destinations and could not be diverted to any other destination until after they had gone to their first intended destination. Most of the labor that we have obtained has drifted through from the seaboard—to a large extent voluntarily—through the mining States of the East, until reaching Colorado.

Chairman WALSH. I believe you say the means you had for acquiring new labor was to have those already here write to their friends and relatives in other parts?

Mr. OSGOOD. Yes, sir.

Chairman WALSH. And would they write home, also?

Mr. OSGOOD. Yes; they could do so.

Chairman WALSH. That is, to get men of their own nationality, or others, to come out by stating the conditions here?

Mr. OSGOOD. Yes. We, of course, used these centers of labor here in Colorado, like Pueblo, Trinidad, and Denver, and the labor agencies in the larger towns of Colorado, letting them know our need for men, and taking the most suitable for our needs.

Chairman WALSH. Now, who would attend to that besides the labor agent and mine superintendent?

Mr. OSGOOD. Some one in the office—the general manager's chief clerk, perhaps.

Chairman WALSH. You mentioned the saloon keeper in the locality doing it. The saloon keeper is usually a man of the nationality of a large number of the men?

Mr. OSGOOD. Yes, sir; and a man of large acquaintance and who knows men in other camps.

Chairman WALSH. Who was in touch with the saloon keeper?

Mr. OSGOOD. The mine superintendent.

Chairman WALSH. Have immigrants been preferred to other workers in the mines in the last 10 or 15 years?

Mr. OSGOOD. No, sir; never.

Chairman WALSH. What record do you make when a man is employed, when a miner is employed?

Mr. OSGOOD. Of what character do you mean?

Chairman WALSH. When a man comes into the employ of a mine, is there a record made of him, his name, his nationality, his former place of residence?

Mr. OSGOOD. No, sir; I think they just take his name and enter it on the pay roll; no pedigree is taken.

Chairman WALSH. No record made in detail that you know of?

Mr. OSGOOD. No, sir.

Chairman WALSH. Simply his name and what else?

Mr. OSGOOD. His nationality would appear from his name—as a rule, I don't think they even put that down.

Chairman WALSH. Now, who discharges the miners?

Mr. OSGOOD. Why, I suppose, finally, the superintendent of the mine. There might be a superintendent under the superintendent who directly hired the men who would be authorized to discharge them.

Chairman WALSH. Kindly state, in as concise a way as you can, the formation of your organization in the mine, beginning with the miner, and who directly above him, up to the president.

Mr. OSGOOD. I can go down a little easier.

Chairman WALSH. All right. Do so.

Mr. OSGOOD. Our company has a vice president and general manager in charge of all the mines and their operation. He appoints the superintendents of each of the mines.

Chairman WALSH. Which is that?

Mr. OSGOOD. This general manager appoints the superintendent of each mine, and he consults with the superintendents about the appointment of the other men under them. The next man under the superintendent in charge of the mine would be the pit boss, the man in charge of the underground workings. There are a great many other employees, who I do not think—I do not think any of the others than those two would have anything to do with the discharge of the men. There might be, on the coke ovens, the coke boss could discharge them.

Chairman WALSH. The pit boss would be the first-hand man and the superintendent above him?

Mr. OSGOOD. Yes.

Chairman WALSH. Has your company adopted any rules to provide for complaints on the part of the miners, that they have been unjustly discharged, or is that left entirely to the pit boss?

Mr. OSGOOD. It is left entirely to the pit boss and superintendent.

Chairman WALSH. So, no appeal comes to yourself or the general manager?

Mr. OSGOOD. I have never known of any, no appeal comes to me. W. J. Murray is general manager, with headquarters in Denver.

Chairman WALSH. State where your mines are located.

Mr. OSGOOD. We have eight mines in Colorado, four in Las Animas County, two Huerfano County, and two in Fremont County.

Chairman WALSH. You say you know of no instance where a complaint has been made by a discharged employee, a discharged miner, that he was discharged unjustly?

Mr. OSGOOD. Not to me; I don't know about Mr. Murray. Mr. Murray visits the mines frequently, and the men on the ground probably would speak to him.

Chairman WALSH. Who is Mr. Murray?

Mr. OSGOOD. Our vice president and general manager.

Chairman WALSH. Where is his office?

Mr. OSGOOD. At Denver.

Chairman WALSH. And you say he visits the mines?

Mr. OSGOOD. He is more than half of his time going around among the mines. We also have division superintendents who go around as his representatives when he is not able to go. We have two division superintendents.

Chairman WALSH. The division superintendent is at Denver?

Mr. OSGOOD. We have one located at Trinidad and one in Fremont County.

Chairman WALSH. And they have the same general duties as Mr. Murray, under him?

Mr. OSGOOD. Yes.

Chairman WALSH. Does your company keep any written record of the discharge of miners?

Mr. OSGOOD. I presume a record is kept at the mine.

Chairman WALSH. Have you that with you?

Mr. OSGOOD. No, sir.

Chairman WALSH. Who would know about that, connected with your company?

Mr. OSGOOD. The superintendent at the mine would know. He would have the record.

Chairman WALSH. We will take our recess at this point.

Mr. OSGOOD. You will be excused to return here at 2 o'clock.

(The hour of 12.30 p. m. having arrived, a recess was taken until 2 o'clock at the same place.)

AFTER RECESS—2 P. M.

Chairman WALSH. You will kindly resume the stand, Mr. Osgood. I think you had finished your answer to the last question.

Mr. OSGOOD. May I correct two of my statements. I have been given information that enables me to correct my memory. The eight-hour law was put into effect—I don't know the date, but it was put into effect before its passage by the Colorado Legislature, but while under discussion. I said before that it went into effect by its terms, but it was before it was actually passed.

The other correction is, you asked me what record was kept of the men who were employed. I am informed that for three or four years past we have kept a complete record showing the nationality, the number of children, the place from which a man came—I do not mean where he worked last, but the country from which he came, and a good deal of miscellaneous information.

Chairman WALSH. Where is that record?

Mr. OSGOOD. That is kept at the mines.

Chairman WALSH. Would you be kind enough to furnish us with specimen copies of those records?

Mr. OSGOOD. I will be very glad to.

Chairman WALSH. Take say five at the beginning when they were first made, and then five, we will say, per year, leading down to the present day.

Mr. OSGOOD. May I leave that with Mr. Gove?

Chairman WALSH. Yes. Mr. Gove will see we are supplied then?

Mr. OSGOOD. Yes, sir.

Chairman WALSH. Now, following the strike of 1904, was there any general policy on the part of your company to displace men that were found to belong to unions?

Mr. OSGOOD. No, sir; there was not.

Chairman WALSH. Therefore I take it there was no order of that sort issued?

Mr. OSGOOD. No order of that sort issued.

Chairman WALSH. Was there a large number of men discharged following the strike of 1904 on the alleged ground that they belonged to organizations?

Mr. OSGOOD. No, sir; not to my knowledge.

Chairman WALSH. Has your company forbidden its employees at any time to belong to fraternal organizations?

Mr. OSGOOD. It has not.

Chairman WALSH. Does your company forbid men to belong to labor organizations?

Mr. OSGOOD. It has never done so.

Chairman WALSH. To your knowledge have men been discharged from your company for belonging to any such organization?

Mr. OSGOOD. They never have been. I don't think the men are ever asked whether they belong to a labor organization or not.

Chairman WALSH. Is there a system by which communication is had between the different companies as to whether or not men belong to labor organizations?

Mr. OSGOOD. There is no such system.

Chairman WALSH. Do your mines conduct company stores?

Mr. OSGOOD. We do; that is, they are conducted by an auxiliary company, but we own the company, so it is practically the same thing.

Chairman WALSH. Are those stores all run in the form of a corporation?

Mr. OSGOOD. Yes; one corporation—the Western Stores Co.

Chairman WALSH. Is it a corporation under the laws of Colorado?

Mr. OSGOOD. Laws of the State of Colorado.

Chairman WALSH. Who fixes the prices charged at the stores for the commodities?

Mr. OSGOOD. Under the supervision of the general manager of the stores; but changes can be made by the local store manager as necessity arises.

Chairman WALSH. Please state as precisely as you can the form under which those stores are run; the form of management, I mean.

Mr. OSGOOD. There is a general manager who has charge of the entire field—management of the stores. He has charge of the purchases and charge of the employment of store managers and general supervision over the operation. He visits the stores constantly, keeps in touch with the prices, and confers with the men, and either with his advice or on their own motion they can make changes—either themselves or with his consent or by his cooperation.

Chairman WALSH. What is the capitalization of the general Western Stores Co.?

Mr. OSGOOD. I think it is \$300,000; no, \$410,000 at the present time. It has been growing more or less as the business grew.

Chairman WALSH. Approximately, what have been the earnings of the company?

Mr. OSGOOD. I think the company has earned about 20 per cent on its capital.

Chairman WALSH. During all the years it has been run?

Mr. OSGOOD. I should think it would average that.

Chairman WALSH. How long has the company been operating?

Mr. OSGOOD. Well, under that title, it has been operating about, I should say, six years; but before that—it was simply a change of name. It was named after its former manager the Hensley Supply Co., and when he left our employ to go into other business we changed the name.

Chairman WALSH. Please describe the hospital service of your company.

Mr. OSGOOD. May I at this point say something more in reference to this matter of the stores?

Chairman WALSH. Certainly; and when you are on any subject, if you desire to amplify and explain it you may do so.

Mr. OSGOOD. I would like to explain in regard to the store making a good profit. It does make a good profit in the store business, but it don't make as much profit on sales as ordinary stores. We turn over our stock about six times a year, and the ordinary store only about twice. I have conferred with

a good many merchants in country stores I have visited in Colorado and their usual rule is that their stock is turned twice a year; but by the uniform character of our business and the known volume we will have we are able to turn our stock over about six times, so that at a less rate of profit on the dollar of sales than is usually made we make a much larger profit on our capital.

Chairman WALSH. Now, does this same company operate saloons or sell liquor?

Mr. OSGOOD. No; we do not.

Chairman WALSH. Not in any of the places?

Mr. OSGOOD. Nowhere in Colorado.

Chairman WALSH. Now, will you kindly tell me the organization of your hospital service?

Mr. OSGOOD. We have a surgeon in chief, Dr. Espey, in Trinidad. He is one of the well-known physicians and surgeons of the State and a man in general practice. He has charge of the selection of doctors at the camps and general supervision of them, and visits the camps frequently and consults with the doctors; and in case of any emergency he goes to the camps to consult with them. He also has charge of the patients sent to the hospital. We have no hospitals of our own, but make arrangement with the Sisters' Hospital in Trinidad to take charge of our patients. And at each camp we have a doctor under direction of the surgeon in chief. We furnish all the medicines and furnish the attendance to the miner—the employee—and his family. There is no charge of any kind for any service except in case of childbirth.

Chairman WALSH. Is there any charge made to the employee for the service, any deduction from his pay?

Mr. OSGOOD. Yes; \$1 a month.

Chairman WALSH. Does that apply to all employees?

Mr. OSGOOD. All employees.

Chairman WALSH. And does that regard the term of the employee's service?

Mr. OSGOOD. I think that where a man works less than half a month—half a month or less—we only charge one-half of the amount, 50 cents.

Chairman WALSH. Did I understand you to say that that gives free service to the employees and all of the members of his family except his wife in childbirth?

Mr. OSGOOD. That is correct. They are furnished medicines without any charge, hospital service for an unlimited time if they are obliged to go to a hospital.

Chairman WALSH. How long has that manner of conducting your hospital existed?

Mr. OSGOOD. Ever since I have been connected with the company. I think very similar arrangements prior to the time I was connected with it and all through my connection with the Colorado Fuel & Iron Co.

Chairman WALSH. Has the charge always been the same, \$1 a month and 50 cents for a half month?

Mr. OSGOOD. It has always been the same ever since I have been out here and started in the mining business, about 30 years.

Chairman WALSH. Approximately, we will say for the last 10 years, how much has been collected in that account?

Mr. OSGOOD. It would be very difficult to tell you that offhand.

Chairman WALSH. Could you approximate it by years?

Mr. OSGOOD. I could not. I think the fund has never been, at least of recent years, sufficient to meet the expenses by any means; we have always had to put up, had to contribute.

Chairman WALSH. Perhaps you could tell us how much you had to put up?

Mr. OSGOOD. Twelve thousand dollars last year.

Chairman WALSH. And the year before, approximately?

Mr. OSGOOD. I can't tell because I have not looked at it recently.

Chairman WALSH. By whom are charges for powder and blacksmithing determined in your mine?

Mr. OSGOOD. Why, the blacksmith charge is a matter almost of unwritten law—custom—all over the State—a certain amount is charged. I think it is 50 cents a month for sharpening the tools. The charge for powder has varied more or less in our plants. When complaints have been made that the charge was too high, it has been reduced, if the reduction seemed justified, and we always tried to ascertain whether our neighbors are charging the same as we are, and if we find they are charging less, we reduce our price, and they

usually, if they find we are charging less, they reduce their charge. There have been no advances in price that I know of at any time.

Chairman WALSH. From whom did complaints come, if complaints were made, regarding the charges for powder?

Mr. OSGOOD. We would learn from the superintendents at the mine that the men were complaining that they could buy powder at other mines cheaper than we were selling it.

Chairman WALSH. How often has that occurred within the past two years?

Mr. OSGOOD. I don't recall any instance at all.

Chairman WALSH. Does your company rent houses to their employees?

Mr. OSGOOD. We do.

Chairman WALSH. And how are the rents for the houses determined?

Mr. OSGOOD. We charge \$2 per room per month. That also is a charge that is general throughout the State. It has practically been our custom for all the years I have been in business, and gradually other operators have asked what our charges were and it has become a custom everywhere, I think.

Chairman WALSH. What are the sizes of the houses?

Mr. OSGOOD. They vary according to what the men want, from a two-room house for "batching" purposes where a man has no family and just wants a place to sleep, to a four-room house for a larger family, and even an eight-room house where they want to keep boarders.

In that connection you suggested I could add anything I wished. These houses, four-room houses, cost about between \$700 and \$800, and the income, if it was occupied all the time, would be \$96 a year. But the houses are pretty badly used, and with the repairs, and the painting of them frequently, and the supplying of water, why, the investment of houses yields us not over 6 per cent as interest on the investment.

Chairman WALSH. It yields 6 per cent all the time?

Mr. OSGOOD. Just about 6 per cent.

Chairman WALSH. On all of the houses?

Mr. OSGOOD. On all of the houses.

Chairman WALSH. How old are the oldest of those houses?

Mr. OSGOOD. I think that there must be houses at the Hastings mine—that mine has certainly been in operation for 27 years—there are houses that were built 27 years ago.

Chairman WALSH. Do you receive complaints from occupants of the houses as to their conditions, etc.?

Mr. OSGOOD. Never have. We keep them in very good repair and we keep them painted frequently. And I don't think we have ever had complaints about the character of the houses.

Chairman WALSH. Who has charge, for your company, of the keeping of these houses in repair?

Mr. OSGOOD. It is under the general supervision of the superintendant at the mine, but as a rule the town marshal acts as a sort of health officer in the care of the houses, and when a house is given up, before it is occupied again, he looks after its being put in order to be occupied; and if there are any repairs to be made while it is occupied he reports them to the superintendent.

Chairman WALSH. The rent is uniform for all of them?

Mr. OSGOOD. Yes, sir. But there is another class of houses at our mines that we have nothing to do with and that we have tried to do away with, but without success. There are certain of the foreigners who want to build their own shacks. We have absolutely refused to give them ground for them; and then we found we could not retain their services, for they felt they were being deprived of their liberty. So at most of our mines they are built on a portion of the land that is hidden away. We found we had to let them have the ground, and they built these shacks, which are just shacks like those you see in squatters quarters in any large town, around the outskirts of Chicago and New York, and in Colorado. They are made of bits of waste material and usually with dirt floors, and are often occupied by the sheep or the goats that go in with the family. They say this is the way they live at home, and they are going to live that way here.

Chairman WALSH. Do you charge them rental for the ground?

Mr. OSGOOD. I think there is a charge, but just what it is I do not know. I have an impression that it is a dollar a month, but I do not know.

Chairman WALSH. A dollar a month for the ground where they build the shack?

Mr. OSGOOD. Yes, sir.

Chairman WALSH. Heretofore you say the company has endeavored to change——

Mr. OSGOOD. Repeatedly to get rid of them, but the men, when they found that they could not build shacks out here at our mines would go somewhere else, and they would leave us and go where they could live as they wished. We have had the matter investigated frequently. The men are some of the very best we have who prefer to live that way.

Chairman WALSH. Do the local authorities interfere with that mode of living in any of these places?

Mr. OSGOOD. No. We look out for the health conditions. We look very closely after the sanitary conditions and they seem to be healthy, and seem to be healthy in that way of living, and we have ceased paying any attention to it.

Chairman WALSH. Have you observed how many of them live in these shacks as to the air space and such things as that?

Mr. OSGOOD. No; I have not. I could only speak of them from the general health conditions of the men. We have a comparatively small percentage of illness there. The men are healthy and well, and I should imagine that the people living in these shacks probably get a little more air than the people living in the houses, maybe more—crevices.

Chairman WALSH. Do you maintain an inspection on the part of your company of your houses?

Mr. OSGOOD. Yes.

Chairman WALSH. As to the number of inmates that they shall contain, etc.?

Mr. OSGOOD. I do not think that that is limited by us. I think that with some of the foreigners keeping boarders it is left largely as a matter of their personal right to them, the number of people in the house they wish to have.

Chairman WALSH. Have you observed the numbers that they have per room in any of your houses?

Mr. OSGOOD. I have not. I want to say that of late years I have not gone to the mines a great deal.

Chairman WALSH. Who connected with your company would have that data, if anyone?

Mr. OSGOOD. I think that the general manager would know about it or the superintendents at the mines would know; the division superintendent would know; they are the men who are constantly around the mines.

Chairman WALSH. What sort of claim department have you had that handles the personal injuries that occur in the mines?

Mr. OSGOOD. Our legal department looks into that, takes care of it.

Chairman WALSH. The legal department is located where?

Mr. OSGOOD. Here in Denver.

Chairman WALSH. Who is the head of that?

Mr. OSGOOD. Caldwell Yeaman.

Chairman WALSH. Have they claim agents who go out on the ground when an injury occurs?

Mr. OSGOOD. Unless in some special case in which the attorney wishes to send and get the information which he does not receive from the formal reports which are made. Every injury is reported I think by—they get a report from the man who is injured, if possible, from the superintendent of the mine and from the doctor in charge, and if that discloses information which is not complete it is quite possible that the legal department may ask for further information, or may even send some one to obtain it.

Chairman WALSH. Is it the policy of the company to settle those cases with the men that are injured?

Mr. OSGOOD. The policy of the company, where they feel that there is any liability, is to settle the case. Where they feel there is no liability under the law on the part of the company, they do not do so.

Chairman WALSH. Do they settle them directly with the injured person, as a rule?

Mr. OSGOOD. As a rule they try to settle them always with the injured party.

Chairman WALSH. In the case of any employee, then, the matter would be between some person in your legal department and the employee.

Mr. OSGOOD. Yes; the legal department consults very frequently with the general superintendent who is as familiar as they are probably with the facts of every injury, because it is a matter he watches very closely.

Chairman WALSH. How many directors has your company?

Mr. OSGOOD. Nine, I think we have.

Chairman WALSH. Where are they located; their place of residence?

Mr. OSGOOD. Practically all—we are incorporated under the laws of Maine—no, there is not any director in Maine; we have to have a clerk in Maine. I think all the directors are in Denver. I might say, to simplify matters, it is a very close corporation. I own practically all of it. There is a very small holding of stock outside of mine.

Chairman WALSH. What percentage of stock is held away from you, Mr. Osgood?

Mr. OSGOOD. I and my family have about—over 90 per cent of the stock.

Chairman WALSH. Do the superintendents have any power to fix wage scales at the mines?

Mr. OSGOOD. No; they do not.

Chairman WALSH. That is determined by yourself; is it?

Mr. OSGOOD. No; it is not a matter that ever comes to me. The wage scale has been a growth. It was in the early days; there were only two or three companies in the coal business out here, and when a new mine was started new operators came into the field, they ascertained what those already in business were paying and they agreed to pay the same wages. Where advances have been made, and it has been known by the different operators, they have always tried to keep their wages uniform.

Chairman WALSH. Who fixes the compensation of your superintendent or pit bosses?

Mr. OSGOOD. Why, with offices of that character there may be some man of exceptional ability that we want and we hardly call that a matter of wage scale where it is a matter of superintendence. Our pit bosses all receive practically the same wages, but the superintendents vary according to the extent of the mine. Some of the smaller mines, their salaries would be fixed by the general manager.

Chairman WALSH. By the general manager. Are their salaries made with reference to the cost of mining?

Mr. OSGOOD. No; it is regulated by him absolutely.

Chairman WALSH. Either directly or by bonus?

Mr. OSGOOD. No; we have no bonus system.

Chairman WALSH. The superintendent gets a fixed salary?

Mr. OSGOOD. The superintendent gets a fixed salary.

Chairman WALSH. Per month?

Mr. OSGOOD. Per month.

Chairman WALSH. Where payment for dead work exists, who determines the amount of the payment?

Mr. OSGOOD. The pit boss would be the man.

Chairman WALSH. Does your company employ detectives or spotters in the business to ascertain whether or not agitation is going on or anything of that sort?

Mr. OSGOOD. We have from time to time employed men.

Chairman WALSH. When there was no trouble?

Mr. OSGOOD. Yes; we have tried to keep track of whether there was any undercurrent of dissatisfaction by employing men whom we thought could give us that character of information.

Chairman WALSH. Say, during the years down from 1904 to date, about how general has that been? How many have you kept on your pay roll?

Mr. OSGOOD. I don't think we have kept any regularly. There have been periods when we have had none. Any time any intimation of anything of the kind, any rumor that there was anything in the way of dissatisfaction, we have tried to ascertain, by means of detectives, as to what the sentiment of the men was in the mine.

Chairman WALSH. I wish you would state all of the purposes for which these men are employed?

Mr. OSGOOD. I should say that that is practically all of the purposes, to know the state of mind of the men, whether there is any real dissatisfaction, any agitation going on that might lead up to some serious trouble and try to know in advance whether the men have grievances and what the character of the grievance is.

Chairman WALSH. Do these men work right along with the other men and ostensibly are workmen?

Mr. OSGOOD. Usually that is the case.

Chairman WALSH. Have any of those men, under the pay of the company, joined labor organizations in the past?

Mr. Osgood. Not directly under the pay of the labor organization. We have never had any men under our pay who have belonged to labor organizations.

Chairman WALSH. Any of these detectives who went into the mine for the purpose of ascertaining conditions, still paid by your company, did they join any of these organizations, or proposed organizations?

Mr. Osgood. That I couldn't say.

Chairman WALSH. Were directed to do it, or expected to do it?

Mr. Osgood. Not to my knowledge.

Chairman WALSH. Does your company maintain a system of cost accounting by which the cost of each process of mining is determined?

Mr. Osgood. Yes, sir.

Chairman WALSH. Are the mine superintendents shown the accounting statements from other mining companies, and required to explain why their costs are higher than those of other mines?

Mr. Osgood. I think that the general manager keeps very close supervision over the cost, and calls their attention to any of the costs which have increased, and asks for an explanation. The conditions vary so much at the different mines that the cost at one mine would not be a criterion for another. I am not sure that they get the cost sheets for all the mines, but where there is more than one mine in the same working district, working under the same conditions, the superintendents are informed as to the costs at the other mine working in the same district, working under similar conditions.

Chairman WALSH. The object being, of course, to try to hold them down to the minimum cost of operation?

Mr. Osgood. Certainly; yes, sir.

Chairman WALSH. Have you found that that custom might be an incentive to superintendents to overspeed the men and not treat them properly?

Mr. Osgood. No, sir; I don't think so. Take it as a whole, in Colorado, in all the years that I have worked here there have been always at every season of the year a scarcity of men. We have had to get men if we could. A superintendent is held quite as accountable for his ability to keep his men as he is for costs, because whatever it costs we have got to have men to mine the coal.

Chairman WALSH. What detective agencies have been employed by your company from 1904 down to date to perform the services that you mentioned in your answer to the last question?

Mr. Osgood. We have employed the Thiel Agency, the Pinkerton, the Baldwin-Felts, and I do not know, there may have been some minor ones.

Chairman WALSH. They all have offices in Denver?

Mr. Osgood. Yes, sir.

Chairman WALSH. All of those agencies?

Mr. Osgood. Yes, sir.

Chairman WALSH. You do not recall any others?

Mr. Osgood. I do not recall any others. I think there was the Burns agency at one time—we may have had some from the Burns agency.

Chairman WALSH. Was Albert C. Felts employed by your company during the year 1910?

Mr. Osgood. No, sir.

Chairman WALSH. Was he employed by the Coal Operators' Association, if you know?

Mr. Osgood. I do not know what year he was employed, but the companies, a good many of them, not all of them by any means, entered into an arrangement with the Baldwin-Felts people, within the last year or two, I think perhaps it may have been a year before the strike.

Chairman WALSH. Now, for what purpose was he employed?

Mr. Osgood. He was employed to give us information of conditions at the mine, complaints that might be made whether the men were satisfied or not, whether there were any men who were attempting to agitate and create trouble in the mine.

Chairman WALSH. Did he or did he not report to you at different times?

Mr. Osgood. We have a great many reports from him; yes, sir.

Chairman WALSH. And were the men discharged upon those reports?

Mr. Osgood. I do not think he ever reported anybody by name. I never knew of his doing so. It was something as to conditions rather than as to individuals.

Chairman WALSH. You do not recall any case in which he reported men as agitators, stirring up trouble, which was followed by the discharge of the men?

Mr. Osgood. I do not know of any such cases myself.

Chairman WALSH. Was the employment of Mr. Felts—did it contemplate anything different than the employment of these other detectives that you have mentioned, during the years?

Mr. OSGOOD. No, sir; it did not.

Chairman WALSH. Was any part of his duty to hire to correspond with other sections of this country and hire men to come into the mine?

Mr. OSGOOD. No, sir; not at all. I don't think they ever acted as employment agents.

Chairman WALSH. What firearms and ammunition were in the possession of your company, or its representatives, prior to September 23, 1913.

Mr. OSGOOD. I do not think we had any at all. I don't know of any.

Chairman WALSH. If there was any in your possession you do not know it.

Mr. OSGOOD. No, sir.

Chairman WALSH. What arms and ammunition have been purchased by your company since September 23, 1913?

Mr. OSGOOD. That I couldn't tell you from memory. After the trouble started and we put guards on, we had a maximum of 100 guards at our mines.

Chairman WALSH. That was prior?

Mr. OSGOOD. No; after the strike started. We had, I believe, about 100 guards, all of whom were armed, and we probably purchased arms and ammunition for those men. In October, along toward the middle of October, there had been a great deal of violence, and the sheriff of Las Animas County advised he could not give us protection, and we joined with other companies and purchased eight rapid-fire guns.

Chairman WALSH. What guards, camp marshals, and other persons, charged with the protection of property, the maintenance of order, were employed prior to September 23, 1913, by your company?

Mr. OSGOOD. We had at each mine a man who was called a camp marshal. He usually carried a commission as deputy sheriff. His duties were more particularly of a sanitary character, looking after the sanitary condition of the camps, looking after the houses, and preserving peace when it was necessary.

Chairman WALSH. Now, you say that after the strike you put out how many of these men?

Mr. OSGOOD. Altogether a hundred.

Chairman WALSH. What is the highest number that you had at any time since September 23, 1913?

Mr. OSGOOD. About 100 men.

Chairman WALSH. Did not exceed that?

Mr. OSGOOD. I do not think it would exceed that.

Chairman WALSH. From what source were those men obtained?

Mr. OSGOOD. Very largely, I should say 80 per cent of them, anyway, from ranchmen, who have been known for a great many years by our superintendents out in the vicinity of the mines, ranchmen and their sons belonging around in the neighborhood.

Chairman WALSH. And where were the other 20 per cent employed?

Mr. OSGOOD. Well, I think that some of them may have been employed on the recommendation of peace officers, but in the other towns, like Denver, Pueblo, or Trinidad, wherever we could get information of some men we thought were of a suitable character for the work.

Chairman WALSH. Who had charge of the employment of these men for your company?

Mr. OSGOOD. It was under the general supervision of our general manager, usually the superintendents at the mine were told to get a certain number of guards, and they selected the men.

Chairman WALSH. Was there any definite qualifications fixed by the company for these men to possess that were hired as camp marshals and guards after the strike?

Mr. OSGOOD. We tried to get men of good character, men we knew something about, men, as far as we could, who lived in the community and who were men of some standing locally; men who were accustomed to a life that would make them self-reliant and coolheaded, and, of course, we avoided taking men who we felt would not have proper nerves if they had to protect, if it came to an emergency.

Chairman WALSH. How many men would you say were employed as mine guards, camp marshals, protectors of property, to preserve order, to maintain this number of 100 you say between September 23 down to the present time?

Mr. OSGOOD. How many different ones?

Chairman WALSH. Yes; how many?

Mr. OSGOOD. I don't know. I think that we had very few changes that had to be made, and I think it was largely the same force of men that were working until the Federal troops went into the field.

Chairman WALSH. Did Mr. Felts have charge of the employment, the hiring of these men?

Mr. OSGOOD. No, sir; not at all.

Chairman WALSH. He employed none for your company, did he?

Mr. OSGOOD. No, sir.

Chairman WALSH. Now, did the employees of your mine—you stated, I believe, that the employees of your mine had never complained as to conditions?

Mr. OSGOOD. No.

Chairman WALSH. Did they ever complain as to the alleged violation of any of the laws of the State of Colorado in the mine?

Mr. OSGOOD. No; I have never heard any complaint of that kind. But if it is a proper time, I would like to make a little statement with regard to that.

Chairman WALSH. I would like to have it.

Mr. OSGOOD. It would be improper to say that there never was any violation of law. I have never known of any willful violation of law by our company or others. The laws all carry heavy penalties. Some of the penalties for the violation of some of these laws is the loss of the charter of the company. Many of the penalties are fines or imprisonment. To my knowledge I have never known of a case where there has been a charge in court of a violation of any of these laws by the companies, although we are mining in 8 or 10 counties in the States. It has been claimed that these prosecutions were not brought because in 2 of the counties of the State the companies had such power that prosecution would be unavailing; but there were 8 other counties in the State where mining was carried on by these same companies and where it has never been claimed they were in any such control, and in none of those counties has any prosecution been brought against the companies for violation of these laws, and I have not heard a word. There was no feeling, so far as I know, among the men that we were violating these laws.

Chairman WALSH. Did you find it necessary, at any time, to issue any written orders to your superintendents with reference to your upholding of the laws of the State; any of the laws?

Mr. OSGOOD. I think our men have always been supplied with a copy of the existing mining law, which is the law relating to the safety regulations of the mines. They always had copies of those laws, particularly of the new law which was adopted but did not go into effect until after this strike was called.

Chairman WALSH. I will shorten this by asking if you will turn over to the agent of the commission, Mr. West, copies of any written orders that you have made at any time since 1903, with reference to the laws of the State of Colorado.

Mr. OSGOOD. If I can, and I imagine that I can. Will you make a note of that [referring to some one in the room]? I do not know of any myself.

Chairman WALSH. If there are none, when Mr. Gove goes on the stand he may make an explanation.

Mr. OSGOOD. Two of the laws, two of the principal laws that we have been charged with violating did not go into effect until after the strike was called; that is the eight-hour law and the general mining law, so that we could not have violated them before the strike was called. And I have never known any specific charges of violation of any laws that have been referred to that have ever been called to the attention of any of the courts, and if the local district attorneys did not do their duty there is the attorney general of the State, who has the right to go into any of the counties and prosecute cases of that kind.

Chairman WALSH. Is there not a State mine inspector supposed to look after those things?

Mr. OSGOOD. I think his duties are confined to the enforcement of the mining law proper, the law relating to the safety conditions in the mines.

Chairman WALSH. Then, it is claimed that his duties don't extend to looking after the enforcement of the eight-hour law?

Mr. OSGOOD. I don't think they would. I think that if we were violating the law that any employee of ours or any member of the United Mine Workers could bring a specific instance to the notice of the district attorney, and if he wouldn't pay any attention to it, to the attorney general of the State, and have the company prosecuted for those violations.

Chairman WALSH. I would like to get, approximately, Mr. Osgood, if I could, the number of agents or detectives that you have employed, we will say during the years prior to September 23. I do not want to go into the details of it, but was it a dozen or a half dozen?

Mr. Osgood. Oh, heavens, no. I do not think we ever at one time had more than two or three. I do not know that we had that number, but I know we never had them continuously.

Chairman WALSH. Well, then; would you say you had about two or three during all of the year prior to September 23, 1913?

Mr. Osgood. I think that is quite possible.

Chairman WALSH. And the year before that, about the same number?

Mr. Osgood. I should say, taking the different mines into account, different parts of the field, not all at the same time, but at different times during the year, there may have been a time when there were two or three men employed.

Chairman WALSH. Were they all English-speaking men?

Mr. Osgood. I never saw any of them, and I do not know. I imagine they were not. I imagine some of the men were men who could speak the languages of the people, the nationalities that were employed in the mines.

Chairman WALSH. Who of the company had direct charge of employing these men?

Mr. Osgood. The orders are always given by the general manager.

Chairman WALSH. Mr. Murray?

Mr. Osgood. Yes.

Chairman WALSH. What grievances or dissatisfactions, if any, on the part of the employees were reported to your company by these men during the year prior to September 23, 1913?

Mr. Osgood. I could not discover there were any grievances or dissatisfaction. The men were entirely satisfied. I do not know of any grievance that they had.

Chairman WALSH. Were there any for the year before that?

Mr. Osgood. I don't know of any at all.

Chairman WALSH. Do you recall any that were reported at any time?

Mr. Osgood. I do not.

Chairman WALSH. Then, so far as the operations of these detectives were concerned, there were no reports of grievances to you, and there were no reports of agitators or disturbers made that were conceived to be dangerous?

Mr. Osgood. Not to my knowledge.

Chairman WALSH. Was any action taken at any time prior to September 23, 1913, upon the reports made by these men?

Mr. Osgood. Not that I know of.

Chairman WALSH. You say when your mines run full force that there were about 1,500 jobs in the mine?

Mr. Osgood. Inside and out.

Chairman WALSH. Inside and out?

Mr. Osgood. Yes, sir.

Chairman WALSH. How many men ordinarily did you have to hire in a year to keep your force up to 1,500, if you can approximate it for us?

Mr. Osgood. Well, our experience is of the miners themselves that nearly 20 per cent are idle all the time. It has run as high as 30 per cent of them, and that 1,500 includes all of the men necessary to keep the mine running; that is, there are not 1,500 working every day out of, roughly estimating, that 60 per cent of the full force are miners and 40 per cent daymen; out of 900 men there are usually 20 per cent of them that will be idle each day.

Chairman WALSH. That is because of no work?

Mr. Osgood. No, sir; because they don't want to work.

Chairman WALSH. You have to keep a full force of 1,500 to get 1,200 employees to rely upon for each day?

Mr. Osgood. The daymen work much more steadily than the miners do. The miners are the ones who are apt to stay out. Usually a man will stay out anyway one day in the week and sometimes more than that.

Chairman WALSH. Could you approximate the number of men that you hire in a year to keep the force up to 1,500, whether they are all working steady each day or not?

Mr. Osgood. Well, I think 1,500 has been our maximum number to keep the number up to that that was necessary to produce the coal that we have been getting out.

Chairman WALSH. I mean new men.

Mr. Osgood. Oh, I could not tell you. The men are changing. All the mines are comparatively close together, and the men are constantly finding that they have a friend from the old country in some other mine, and they go to that mine. I suppose out of 1,500 there may be easily 100 men in a month that are leaving to go elsewhere, and 100 new men coming to take their places.

Chairman WALSH. That would make approximately 2,700 men to 3,000, double the number of men to keep a force of 1,500.

Mr. Osgood. Not that number are employed at one time.

Chairman WALSH. I understand; but from time to time?

Mr. Osgood. From time to time.

Chairman WALSH. During the year, to keep that force of 1,500, you employ about 3,000?

Mr. Osgood. I would hardly put it as strong as that.

Chairman WALSH. Say, 2,700?

Mr. Osgood. The daymen don't move around in the same way. If they get a job they usually remain for a considerable length of time—the weighmen, the dump hands, the drivers, and the track men; but the miners themselves, say 900 out of 1,500, those men are constantly changing. The same man may go away and come back again; it may not be different men.

Chairman WALSH. I understand; but you hire 100 men per month?

Mr. Osgood. I should say very nearly that.

Chairman WALSH. As I understand you, to keep up a force of 1,500. Now, take the industry of mining; in an ordinary year how much work does the miner have in your mine?

Mr. Osgood. I have a statement here, if you care, the average for the year 1913, carefully compiled—that would be the fiscal year preceding the strike.

Chairman WALSH. Let us have it.

Mr. Osgood. The mines averaged 274½ days that year.

Chairman WALSH. Do the saloons that operate in your mining camps pay anything other than rental for the privilege of operating?

Mr. Osgood. No; they pay rental.

Chairman WALSH. Who rents them the building?

Mr. Osgood. We rent them the building.

Chairman WALSH. Who determines the amount of rental?

Mr. Osgood. I think the rental is based on the number of men who are employed?

Chairman WALSH. The rental of the saloon?

Mr. Osgood. Yes.

Chairman WALSH. Take a typical case; take your largest mine; which is that?

Mr. Osgood. The Delagua.

Chairman WALSH. How many men are employed there?

Mr. Osgood. I would say there were between 300 and 400; perhaps 350 men.

Chairman WALSH. How many saloons were there?

Mr. Osgood. At Delagua I think there is but one.

Chairman WALSH. But one saloon. What sort of a building is it in?

Mr. Osgood. It is a pretty substantial frame building.

Chairman WALSH. What is the rental of the saloon?

Mr. Osgood. I can't tell. I have no recollection of it. I do not know that I ever saw it.

Chairman WALSH. Who checks up the amount of rent; that is, the number of men—the charge to be made to the saloon keeper.

Mr. Osgood. I suppose that the mine clerk sends in each month the number of men that were working. It is based on a per capita.

Chairman WALSH. What is the per capita—how is it collected, by the month?

Mr. Osgood. Yes.

Chairman WALSH. From the saloon keeper.

Mr. Osgood. Yes.

Chairman WALSH. And a statement is made by the mine clerk as to the number of men that are employed that particular month, and the charge is made to the saloon keeper upon that?

Mr. Osgood. That is my understanding. I have never seen these charges; never seen any of the statements of them, but that is my understanding of them.

Chairman WALSH. Has there been a change at any time; that is, in the amount?

Mr. Osgood. I do not think there has. I do not know that there has.

Chairman WALSH. What is the per capita at Delagua?

Mr. OSGOOD. I can't state. I could investigate and find out.

Chairman WALSH. Will you be good enough to ascertain and let us have that information?

Mr. OSGOOD. All right, sir.

Chairman WALSH. Could you not even approximate it offhand?

Mr. OSGOOD. I don't know what it is.

Chairman WALSH. How many of your men went out during the strike this last spring?

Mr. OSGOOD. Why, I should say about 50 per cent of our men went out on strike—of our company.

Chairman WALSH. Are miners who are paid by the ton limited to eight hours or can they work longer if they desire?

Mr. OSGOOD. They could not work longer, and it is for that reason I have already opposed an eight-hour day, that it worked a hardship on the men and on the company. The business being a seasonal business there are times of the year when there is an urgent demand for coal, and men by working a little additional time could make better wages, the company could have more coal to sell, and with the idle time that they would have in dull seasons of the year they would have a fair average of work throughout the year. For the added reason that under the strict regulations of the mining law with regard to firing shots, etc., if a man happened to be a little slow with some of his work and couldn't get the shot ready in time before quitting he would come under our law under the penalty of this and he might lose an entire day's work because if he can't finish up and leave his room so that the shot could be fired by the shot firer he would have no coal to load the next day that he was there, and have a handicap by a fixed legislative regulation. The miners never have worked in any mine I have known eight hours a day. I do not believe they have averaged six hours a day. They usually work in couples, and after the bulk of the heavy work of the mining is done one man almost always would go out early in the afternoon and leave his buddy, his partner, to complete the loading of the coal. I think their hours on the average were much less than eight hours a day. I think there is quite a serious disadvantage both to them and to the operator in having this legislative prohibition against their working after a fixed hour in the day.

Chairman WALSH. When had there been an increase in your wage scale prior to the 10 per cent increase of 1912?

Mr. OSGOOD. I can't recall that exactly, but when we gave, or established, the eight-hour day, we practically gave an increase of 25 per cent in wages, because we left the wages the same for an eight-hour day that they were for a 10-hour day previously.

Chairman WALSH. Did you or did you not find that as much was accomplished in the eight hours as had been accomplished in the longer time before?

Mr. OSGOOD. By the miners. The miners produced as much coal in the eight hours, because, as I say, they work six hours; probably were in the mine longer hours after the eight-hour day was established than before. As far as the production of the mine was concerned, it was reduced; the production of the ordinary miner was not materially affected.

Chairman WALSH. Outside of the hours, had there been another increase in the wage scale except the 10 per cent increase in 1912 and also in 1904 down to that time?

Mr. OSGOOD. I can not tell you from my own recollection. I think that there had been. I have since refreshed my memory and now answer that an increase of approximately 9 per cent was made January 1, 1907.

(See Osgood Exhibit No. 1.)

Chairman WALSH. The demand in 1904 was for an increase of 20 per cent?

Mr. OSGOOD. Yes. You read it to me. I have no recollection other than that was correct.

Chairman WALSH. Have you ever figured to ascertain the comparison between the increase in wages from 1904 until 1912 and the increase in the cost of living?

Mr. OSGOOD. I have never made any such calculation.

Chairman WALSH. Have you made a calculation, or the company ever made a calculation, as to the increase of cost of products sold at these stores from 1904, these company stores, down to the present time?

Mr. OSGOOD. No, sir; I have not.

Chairman WALSH. I noticed in the testimony of Gov. Ammons this morning it was stated that a portion of the financial support of the operators came from elsewhere than Colorado. Where did it come from?

Mr. OSGOOD. In what way do you mean, financial support?

Chairman WALSH. I did not understand it exactly. A note was made, and I should like to understand it. I understood the governor to say that a portion of the financial support of the operators came from outside of the State, and the financial support of the miners—

Mr. OSGOOD (interrupting). Well, I think he meant the capital engaged in the business in Colorado, that part of it was local and part of it from out of the State. I think I recall what he said, and that was the meaning that I gathered. That is undoubtedly true that some of the capital engaged in coal mining is from out of the State. In my company the stock capital, you might say, comes from the State, but the bonds we have sold have largely been sold in the East, and that capital comes from away from the State.

Chairman WALSH. What is the bonded indebtedness of your company?

Mr. OSGOOD. The bonded indebtedness is four and a half million dollars.

Chairman WALSH. Four and a half million dollars?

Mr. OSGOOD. Yes.

Chairman WALSH. What is the taxable value of it in the State of Colorado?

Mr. OSGOOD. I can not recall those figures; I can not tell you.

Chairman WALSH. Can you give it approximately?

Mr. OSGOOD. No; I could not.

Chairman WALSH. What is the capitalization of the company?

Mr. OSGOOD. Nine million four hundred thousand dollars.

Chairman WALSH. Nine million four hundred thousand dollars, and that is based upon what?

Mr. OSGOOD. Upon an estimate of the value of the property, the coal lands, the equipment, and the cash investment—the capital.

Chairman WALSH. The capital is exclusive of the bonds?

Mr. OSGOOD. Yes.

Chairman WALSH. Do you consider Federal legislation advisable to meet conditions such as you have had here in Colorado, Mr. Osgood; have you given that matter any thought?

Mr. OSGOOD. No, sir; I have not, in detail, and I could not answer it without knowing what special legislation you had reference to.

Chairman WALSH. Well, I am following the thought expressed by the governor here this morning, if you heard that. If not—

Mr. OSGOOD (interrupting). No; I did not hear it in detail.

Chairman WALSH. What system of checkweighmen have you in your mine?

Mr. OSGOOD. We have none.

Chairman WALSH. Who does the weighing?

Mr. OSGOOD. A weighmaster employed by the company.

Chairman WALSH. Now, that has been a point of dispute, has it not?

Mr. OSGOOD. I think it is one of the very difficult points. The complaint with regard to weights I have never heard except in times of strike as a reminiscence of something they claimed aggrieved them before the strike, but at the time the grievance occurred I have never heard any complaints from any of our mines that we were not giving correct weights. It is just as difficult as it is for the housewife, and a little more so, perhaps, to make sure that she gets the correct weight from her grocer or butcher. The miner, if he wants to think so, or if some one puts the thought into his mind, can believe that he is being robbed in his weights. The law provides that the miners, if they desire to do so, can have a checkweighman, and that they must pay him. He must be selected by them. I think that has been the law for quite a long time. So far as the company's interest is concerned, and their desire, they would be glad to have the miners appoint a checkweighman in every instance, and relieve them from any suspicion in any instance that the miners were not getting the correct weight, and pay; but it is very difficult for them to agree on the checkweighman. Sometimes when they have a checkweighman, they get tired of paying him his wages, and do not think that they get enough advantage to justify them. In a small mine the wages of a checkweighman amounts to a considerable; in a large mine it would not be so severe a tax. Then they have so many nationalities that they distrust their own man, if he is of another nationality. If an Italian is appointed checkweighman the Austrians and the Greeks may think he is not doing justice to them; and vice versa. So it is not an infallible method by any means for preventing difficulty. When the men themselves have shown any desire to put it in force—it has been done—the company has no right to insist that they shall have a checkweighman. The law simply says they can have a checkweighman if

they want one—that they shall be permitted to have one if they wish. And that facility has always been extended to them.

Chairman WALSH. What remedy would you propose for the checkweighman difficulty? You say it arises whenever disputes arise? Now, did it arise in this dispute?

Mr. Osgood. It came afterwards as a complaint that during the time the men were at work they had been robbed; and there was evidence before the congressional committee—that is, men stated their opinion or belief that they had been robbed in their weights—and before one or two of the investigations held here in Denver, locally, men would make the statement that they believed they were being robbed. It is a subject we have given a good deal of thought to, and it is a very difficult subject to know how to handle in order to satisfy the men that their weights are honest. The companies pay the men by the weights that are taken on a scale weighing the pit car on top of the dump. Then they weigh their coal after it is dumped and put into a railroad car, to sell it to their customers. Now, we have examined our weights, and so have most of the larger companies, and it is a very close approximation—the amount of the coal we are paid for, and the amount of coal we pay the miners for; just as close an approximation as there could be in the use of two scales—one weighing the coal for the miners and the other for the public. There is a very slight difference one way or the other. We have suggested that some bureau or inspector of mines or the governor or some officer should require sworn statements of the amount of coal we sell as compared with the amount of coal we pay our miners for, so as to insure our miners that they are getting paid for the coal that we are selling our customers, and that the miner is not paid for less. Now that does not meet the entire difficulty of the situation.

The other difficulty is that there is always a possibility of petty dishonesty by the weighman in favor of some friend. A pit car with some man's coal in weighs, say, 3,000 pounds. Now the way the coal is loaded in the mine it may vary from 2,500 pounds to 3,200 pounds or 3,300 pounds. If there is a great deal of fine coal in the car, it is heavier than if there are a great many chunks and a great many coarse interstices. A man can not tell, even if he thinks he can, what weight he loads on a car in the mine. He may think he loads all his cars loaded in the mine alike, but when he comes out at night he finds out that one car weighed 2,500 pounds and one car 2,800, and another 3,200, and it is human nature to think that the 3,200 pounds is right, and that the others are wrong, and that somebody has taken the weights improperly. The weighman can, if he is dishonest, and in collusion with some one else, when he weighs a car and finds it weighs 3,000 pounds, credit the man with 2,500 pounds and give some friend of his credit for 500 pounds on some of his cars. The only thing you can do to prevent that is to try to have honest weighmen; and also a checkweighman would prevent that to some extent, because there would have to be collusion between the checkweighman and the company weighman to permit anything of that kind to be done. But I think the checkweighman, I don't know of but one mine in the State that has continuously had checkweighmen. If a man absolutely inspired the men with confidence, and they believed him all right and square, why, they would keep him on for a long time.

Chairman WALSH. Will you be kind enough, please, to pass up that statement, as I understand we may have that statement.

Mr. Osgood. Yes. May I give you some further data that is on it?

Chairman WALSH. Yes.

Mr. Osgood. It is a statement made up of wages paid for the year ending June 30, 1913, average day's work, total day's work, total amount paid, total amount average per day. The average per day was \$4.01 at all our mines for an average of 274 days. The average yearly wages were \$1,100.75.

(See Osgood Exhibit No. 2.)

Chairman WALSH. Does a miner employ a helper?

Mr. Osgood. No, sir. They usually work two men at a time; but each man runs a separate check and is credited for his share of the coal, so each of those [referring to the items handed up] represents an individual miner's work and not with an assistant.

Chairman WALSH. Mr. Garretson has a question or two that he would like to ask.

Commissioner GARRETSON. In the strike of 1894, Mr. Osgood, you made the statement that the Federal troops were assigned on account of the strike of the miners—

Mr. Osgood (interrupting). I don't think so. The Federal troops were in the field.

Commissioner GARRETSON. Isn't it a fact that the only Federal troops in the coal field were assigned to protect the tracks of the Santa Fe Railway west and south of La Junta?

Mr. Osgood. No; there were some troops that were sent up to El Moro to protect the property of the Union Pacific, Denver & Gulf road. It was in the hands of the receivers at the time.

Commissioner GARRETSON. It was to protect the movement of trains.

Mr. Osgood. The troops were in the field at that time. I did not mean to convey the idea that they were in the field in connection with the coal mines; but those troops were in the field in connection with the general situation.

Commissioner GARRETSON. In fact, the only place where the Debs strike was declared was on the railways outside of the Pullman works?

Mr. Osgood. I have been trying to refresh my mind as to the details of the Debs strike; yet it is a fact that we had some strikes in our mines sympathetic with the Debs strike. Now, I can not recall—

Commissioner GARRETSON. Isn't it a fact that there wasn't an officer aside from the railway union, which was the Debs organization, or anything but railway men?

Mr. Osgood. Oh, they were not connected with the mines. There was no union that I know of connected with the mines.

Commissioner GARRETSON. You spoke a moment ago that after the putting in of the eight-hour day the product of the individual miner was probably as great as it was before, but that still the product of the mine was reduced?

Mr. Osgood. Yes.

Commissioner GARRETSON. With the same number of men employed, how would you reconcile those two statements? You might need more daymen for the shorter period, but the miners are none of them daymen—that is, the coal diggers, are they?

Mr. Osgood. No; they are not daymen. I simply take the fact as it is shown that taking the average tons produced per man—it may be that we have less men working; but the average tons produced per man has not varied very much in the last year. I looked at this recently, but the average production at the mine, as I have investigated it, by the law of averages, that is so, that if you have just as many men and they produce the same amount per man—

Commissioner GARRETSON (interrupting). And, therefore, there would be none of that attributable to the eight-hour day, but only to the fluctuation in the number of men?

Mr. Osgood. Of course, that is so, so far as taking out the coal was concerned it would take more men and take more time. Now, our daymen work more hours than the miners. Our daymen are not affected by this law, and the miners are.

Commissioner GARRETSON. They still work 10 hours?

Mr. Osgood. No; in our mines they work nine hours. They work half an hour before and half an hour after the miners quit their work.

Commissioner GARRETSON. In regard to the hiring of guards—you spoke of that. Where did your supplies come from? Mr. Felts testified before the congressional committee that he hired from 40 to 75 men without any investigation. Your company did not use any of the men he hired?

Mr. Osgood. I don't remember that testimony of his. His testimony was that at no one time did he have over 16 men in Colorado.

Commissioner GARRETSON. The digest of his testimony that I have makes that statement. Now, bear in mind—

Mr. Osgood (interrupting). Now, let me perhaps correct both you and myself. Mr. Felts was employed in northern Colorado, where the strike occurred in 1910, before he was in southern Colorado; and so he may have had charge of the guards, and I think perhaps he did. But there was about 15 per cent of the coal produced there, and there was about 68 per cent of it in the southern field, and the most of my remarks have left northern Colorado out of mind, and in southern Colorado he had nothing to do, to my knowledge, with employing guards.

Commissioner GARRETSON. And then none of those men were utilized by your company?

Mr. Osgood. No, sir.

Commissioner GARRETSON. You spoke of the fact that no complaints had ever come to you in regard to the men wanting a change of condition or an increase of pay or complaints of injustice by officers lower down. Has there ever been a belief among the men that a man who indulged in anything of that kind would be marked as an agitator?

Mr. Osgood. I never heard of that except during this strike. Possibly the same talk was made during 1904. I was not here a good deal of that time. That talk has been made considerably since the strike, but before the strike I never heard that.

Commissioner GARRETSON. But you don't know whether or not that was their feeling on the subject?

Mr. Osgood. No; but I think I would have known. Our superintendents, our pit bosses, all of the men over these men down there have grown up from miners themselves and they have a good deal of sympathy and a good deal of fellow feeling. They are drawn from the same people. Our general manager is a man who worked in the mine as a boy and he knows a large percentage of our men at the mines. He goes to the mines frequently and meets the men and I think they talk with him with absolute freedom. I don't think they think he is an unjust man and I don't think they hesitate to tell him if they think a pit boss or a foreman is not treating them right. I think the superintendents themselves are interested to prevent injustice and dissatisfaction on the part of the men. There has been such a demand for labor throughout all these years in our industry that men could always find work. It is not such a great hardship for them to make a change. They can go across the hill and get a job, if they think they are not fairly treated. Consequently the superintendents have been on their good behavior to try to keep these men. They try to keep the men. If they have a good miner they want to keep him and see that he is justly dealt with. The superintendent has that strong incentive to try to deal justly with the men. I do not believe when a strike is not in progress that there is any such feeling. There are men of course who are constant fault finders and grumblers and make themselves very disagreeable and I think they have some justification perhaps for feeling that the superintendent is getting tired of them and says, "You had better go."

Commissioner GARRETSON. If that feeling did exist, that in itself would explain why complaints did not come, would it not?

Mr. Osgood. Yes; but I have no reason to believe it did exist.

Commissioner GARRETSON. You spoke of a certain set of proceedings in the State and that you had sent to New York to find whether or not you could deflect immigrants to your employ here and you found it was not practicable because they had a fixed destination before sailing?

Mr. Osgood. Yes.

Commissioner GARRETSON. Your experience in that line—did it lead you to believe that the contract-labor laws of the country were being effectively applied?

Mr. Osgood. I think they were. We went further than that. We felt that our industry was growing very rapidly here, and there were times when it was difficult to get all the men we wanted promptly in the winter season when the demand for coal was heavy; and we were looking around to find out if we could get the best class of mining labor, and we sent, I think, about this same time, a representative to Washington to ask the Commissioner of Immigration—I don't know who he was at that time—if it would be a violation of the labor laws if we sent a representative to Europe with information about coal mining in Colorado without specifying the mine or mines, but with photographs of mines and statements of the general conditions of mining and the scale of wages paid and general conditions and circulated those in a mining district in Europe, leaving it for that to interest the men voluntarily to come to this country and when they did come to this country they would be coming for mining work and would come to Colorado. He said that that would be a violation of the law, but he suggested at the time that it could be done by the State superintendent of immigration—that if the State did it it would be proper; but not for companies or individuals. And afterwards I think a decision was rendered that even the State should not do it, and I think that was in some case involving the State of Georgia.

Commissioner GARRETSON. Didn't it occur to you, now, that this fixed destination that the immigrant must go to had anything to do with a contract implied or actually entered into before he started?

Mr. OSGOOD. Oh, not at all; simply that these men did not come haphazard, but if they were coming they came at the instigation of some friend, or after inquiring and concluding that New York was a good place to go to or Pennsylvania was. And when I said destination, I did not mean necessarily destination of employment, but simply a locality; that they were destined to a certain locality, and that you could not change them when they landed and ask them to come out here to Colorado or Illinois if that happened to be the State in need of them.

Commissioner GARRETSON. You could only get a second chance at them?

Mr. OSGOOD. That is about all.

Chairman WALSH. Commissioner Weinstock would like to ask you a question.

Commissioner WEINSTOCK. Gov. Ammons, this morning, in his statement, among other things, said that a great deal of misrepresentation had gotten abroad and a great many statements had been made by interested parties perhaps, and through the press, that were not true. Now, it would seem to me that, in the interest of fair play to both sides, their witnesses ought to be afforded every opportunity to contradict or to deny the charges that had been made pro and con; and with that end in view I have some statements here that have been made by witnesses on the other side at previous hearings, to which I would invite your answers. In order that I may better understand the situation, Mr. Osgood, I would like to inquire whether the mine owners have an association among themselves?

Mr. OSGOOD. We have never had any occasion until possibly 60 days ago, when we organized an association called—it is not completely organized yet, which we called the Coal Miners' Welfare Association. The objects of the association are specified in its charter, to promote the welfare of the employees of the members, to assist in the enforcement of the mining laws of the State, and to take such steps as could be taken to devise means of securing the accurate weighing of coal at all the mines of the State. This organization was organized in conformity with various suggestions made from time to time that made the operators feel that working independently that they were held responsible as a body for perhaps the actions of a single individual, and if they could join together in an effort to see that the laws were enforced, as it was claimed they had not been enforced, that we could try, as we always wanted to, to devise means to satisfy the men as to weights, and in other ways to contribute to the welfare of the men, and if we could do that it would be a good movement. Prior to that there was no association.

Commissioner WEINSTOCK. If I remember rightly, in your testimony, you made the statement that seven machine guns were bought and the cost prorated among the companies?

Mr. OSGOOD. No; the three companies that were acting together. Three of the larger companies have acted together throughout this strike, the Colorado Fuel & Iron Co., the Rocky Mountain Fuel Co., and the Victor-American Fuel Co.

Commissioner WEINSTOCK. How many companies are operating in Colorado?

Mr. OSGOOD. There are some 60 companies operating mines that ship coal. I understand there are 30 or 35 small mines that are running intermittently, called wagon mines, that have no railroad tracks.

Commissioner WEINSTOCK. Then out of these 60 companies only 3 have acted collectively?

Mr. OSGOOD. That is hardly right. On the questions of publicity and general policy in dealing with the strike this meeting, which was never a formally organized meeting, and did not meet again, authorized a committee, and that committee was selected to represent the entire body in dealing with matters of publicity, and in placing their case before the public.

Commissioner WEINSTOCK. How many companies took part in that gathering?

Mr. OSGOOD. I think between 40 and 50 of them; perhaps 90 per cent of the active companies in the State.

Commissioner WEINSTOCK. And they appointed a joint committee to represent them?

Mr. OSGOOD. That committee consisted of Mr. Welborn, Mr. Brown, and myself.

Commissioner WEINSTOCK. And you three gentlemen represented the entire group in that respect?

Mr. OSGOOD. Yes; with no authority to represent them in any other way.

Commissioner WEINSTOCK. What is the answer to the charge made on the other side, that the answer made to them as to their right to organize collectively for their common good was a denial of that right to the workers?

Mr. Osgood. The answer, in the first place, is that we do not deny that right to the worker; he has the right if he wants it. We claim the right to refuse to do business with any organization that we may have serious objection to, that we believe unfair, and that does not live up to its contracts and that is not of advantage to its members. We claim a similar right to choose who we shall deal with.

Commissioner WEINSTOCK. Then the fact of the companies refusing to recognize different organizations that may have existed among the men was not due to the fact that you objected to the men organizing, but due to the fact that you did not want to recognize that particular organization?

Mr. Osgood. There has been but one organization among the coal miners, and that is the United Mine Workers of America, and we do very strongly and unanimously feel that it is an organization that we do not want to do business with.

Commissioner WEINSTOCK. Then I understand you do not object to dealing with organized labor, but do object to dealing with that particular organization of labor?

Mr. Osgood. I would cross that bridge when I came to it; there might be some other organization I objected to, but so far as this case was concerned, there was but this organization.

It had no membership to speak of. It had about 3,000 mine workers in the three States of Colorado, Utah, and New Mexico.

Commissioner WEINSTOCK. I have before me a digest of the testimony given me by Mr. John R. Lawson before the congressional investigating committee, and among other things I read the statement that 95 per cent of the employees went out; does that statement correspond with your knowledge of the facts?

Mr. Osgood. There is absolutely no justification for that statement, not the slightest.

Commissioner WEINSTOCK. What were the facts, as you know them?

Mr. Osgood. The State mine inspector's report—and the State mine inspector is a member of the United Mine Workers of America—shows that the average number of men working in August, 1913, prior to the strike, was 12,059, and in September, 12,346. The strike was called on the 23d of September; the average number of men working in the State in October, 1913, was 7,696, or only about 4,500 men less than the months before. There were nearly 60 per cent remaining in the mines.

Commissioner WEINSTOCK. There were nearly 60 per cent remaining in the mine, and only short about 40 per cent went out instead of 95 per cent?

Mr. Osgood. Yes, sir; 4,500 men went out at that time. The statistics of the railroads in the towns where the mines are located show that a very large number of the men who left the State, that they were forehanded and left the State to get away from the strike, and it is my belief that not over 2,500 men were engaged in the strike. The figures show—from the State mine inspector's office—that while there were 7,696 men employed in October, in November there were 8,216, an increase of 520, and no men were brought from outside of the State, and these were men that went out on the strike who returned, and in December there were 9,600 men, or 2,000 more men than were at work in October—right after the strike. Some men were brought in, but the maximum number brought in from outside of the State was 800 men—that was in December and January. These were men that came back from the strike field, and in January there were 12,375 men working. In February there were 10,026 men working. In March the number fell off—as it always does in the springtime, when the trade falls off and men begin to go out into outdoor occupations—to 9,208, in April to 8,059, and then came the Ludlow incident, and the fight at the different mining camps, and the number fell to 6,348, and in June it was 7,893.

The production of coal shows even better figures in percentages; the production of coal in September of this year was 97 per cent. The month after the strike was called it was 56 per cent of the same month of the year before.

Commissioner WEINSTOCK. Are we to understand that the 7,696 men at work in September, 1913, were men who declined to go out on strike?

Mr. Osgood. Yes.

Commissioner WEINSTOCK. They were not replacements?

Mr. Osgood. No, sir.

Commissioner WEINSTOCK. This testimony of Mr. Lawson's makes the further statement that formerly organizers took their lives in their hands if they talked unionism in southern Colorado, and some organizers were shot.

Mr. Osgood. I do not think any such case happened. I remember the case clearly and the cross-examination, and in the cross-examination it seemed to be brought out clearly that this was a reference to the shooting of a man in a saloon, who was an organizer, but was wholly unconnected with any labor disturbance, and the shooting was done by a man who had been ejected from the saloon because of a disturbance in the saloon—it was simply Mr. Lawson's assumption that it was done in connection with the strike. It seems to me that his case was lost completely on the cross-examination and the testimony that was given in rebuttal.

Commissioner WEINSTOCK. He further stated that in 1903, 6,000 men were discharged, that the firing has continued since, with many men discharged, and some driven away by gunmen. What about that?

Mr. Osgood. I think he had no justification for any of those statements; he had no proof of them, and they were not statements of fact in the slightest degree.

Commissioner WEINSTOCK. He also said that the men accused of killing the miners were acquitted by hand-picked juries; that a union man was tried by a jury, including 11 Mexicans, who could not speak English, and was convicted of manslaughter, and the witness was told the verdict before the case was tried.

Mr. Osgood. I heard his testimony at the time, and it certainly carried no conviction to me, and the cross-examination seemed to disparage all of his statements, and showed that they were simply statements of his opinion and not corroborated by any actual facts.

Commissioner WEINSTOCK. He made the further statement that the larger companies will not allow the smaller companies to settle strikes with the United Mine Workers of America.

Mr. Osgood. There is absolutely nothing in that. Several of the smaller companies have signed up contracts with the union in this strike, and the larger companies have no control over them at all.

Commissioner WEINSTOCK. You deny that, absolutely?

Mr. Osgood. Yes; I deny that, absolutely.

Commissioner WEINSTOCK. The further statement is made that three of the larger companies claim to control 95 per cent of the output of the State, but that they produce less than 50 per cent; what about that?

Mr. Osgood. Both of his statements are absolutely unwarranted, and a reading of his testimony, some of which I read last night, would clear that matter up in your minds.

Commissioner COMMONS. What percentage of the coal is produced by the three companies?

Mr. Osgood. Sixty-three per cent—the Colorado Fuel & Iron Co. 40 per cent, the Victor-American Fuel Co about 15 per cent, and 12 per cent by the Rocky Mountain Fuel Co.—about 67 per cent is the total. The operators never at any time stated that they produced 95 per cent of the coal mined in the State. The attorneys for the miners attempted to show that they made that statement in an advertisement. That was some advertisement in regard to the strike that was made, and it was signed by Mr. Welborn, Mr. Brown, and myself, representing the operators in the State mining 95 per cent of the coal, and they tried to distort it into a statement that those companies mined 95 per cent of the coal.

Commissioner WEINSTOCK. He made the further statement—in brief for the striking miners prepared by E. P. Costigan, James H. Brewster, and H. N. Hawkins, the statement is made that of 12 court decisions cited by the miners the only one holding that the United Mine Workers of America is unlawful is the decision of Judge Dayton, district judge of the United States for the northern district of West Virginia, and this decision has been reversed by the circuit court of appeals. I think the claim was made by the mine owners that the United Mine Workers had been declared an illegal body by the courts of the country, and that is the answer made by the workers; is that answer substantially correct?

Mr. Osgood. Not being an attorney, and not being familiar with the things, I do not know whether any opinion of that kind has been handed down; I know of the opinion of Judge Dayton.

Commissioner WEINSTOCK. Do you know that this decision has been reversed by the circuit court of appeals?

Mr. Osgood. No, sir; I don't.

Commissioner WEINSTOCK. Furthermore, the brief goes on to say that the opinion of the courts in other States regard the United Mine Workers of America as a responsible, lawful organization; what would you say about that?

Mr. Osgood. I have a very wide acquaintance with coal operators all over the United States, and there is not a single coal operator of my acquaintance where union men are employed that is at all satisfied with conditions and does not feel that it is a matter of force that he is compelled to work under such conditions. I do not know of a State in the Union where conditions are so bad as they are in the State of Illinois, in which State the United Mine Workers of America have control. I am told that there is not a solvent operator in the State outside of the railroads; and I have talked with operators in Kansas and Wyoming, and States all over the country, and it is to the same effect.

Commissioner WEINSTOCK. This brief goes on further to say that the open-shop of the Colorado operators is a shop closed against union labor. Some men claim that union men work in Colorado mines, but they remain only just as long as their unionism is inefficient, and the closed shop against the union has been obtained by the use of immigrant labor; that the immigrant, through necessity, has to accept any condition imposed by the employer—that there are three kinds of shops, one known as the union shop, which is practically closed, another which is known as the open shop, where union and non-union men work side by side, and another known as a nonunion shop where only nonunion men are employed; how are the coal mines classified, as union, open, or nonunion?

Mr. Osgood. I could classify them myself as nonunion, but we never ask the men whether they are union or not; it is generally understood that the mines in Colorado are not working under unions. Every miner who comes here knows that the United Mine Workers of America are not operating these mines; he knows he is coming to a nonunion mine and we do not ask him whether he is nonunion or not. We have hundreds of men who have been at one time or another members of the United Mine Workers of America; how many of those men are voluntary members, I don't know. In some places men that work in mines that are unionized take out union cards, and when those men come out here they tear up their cards and throw them away; others keep them. They are union men in union States because they have to be, and they are nonunion men in our State, because they don't want to pay their dues and it is of no value to them, and they pay no further attention to it.

Commissioner WEINSTOCK. Do you care to make any answer to this statement in the brief that goes on to state that while union men may apply for work and be employed they remain only as long as their unionism is inefficient?

Mr. Osgood. I think without a union contract, his unionism is ineffective, just the same as an Odd Fellow would be in a town where there was no lodge of his order; he might be an Odd Fellow in heart and would cooperate when he got where there was a lodge.

Commissioner WEINSTOCK. This brief goes on further to claim that the showing made by the operators of wages at the Rouse mine is based upon the month just preceding the strike, when conditions were the most favorable in order to show the best figures possible?

Mr. Osgood. The incorrectness of that statement is apparent as shown by the statement I have handed your chairman which covers that matter. When we made our statements of wages we gave a number of different months at the different mines; then at the request of the governor we threw our books open to a committee of auditors, who took the mines and months haphazard throughout the entire year, and at the request of one of the newspaper editors a statement was made up by Mr. Upton.

Commissioner WEINSTOCK. Then this represents the average throughout the year?

Mr. Osgood. In our mines.

Commissioner WEINSTOCK. Not for one particular month?

Mr. Osgood. No; the entire year.

Commissioner WEINSTOCK. Then these gentlemen were in error in their brief?

Mr. Osgood. Yes.

Commissioner WEINSTOCK. Furthermore, this goes on to say that relative to alleged violation of contracts by mine owners, that in the case of one Bettis, the discharge of the man in question was in itself a violation of the contract, which requires that the party involved should remain at work pending an adjustment; that this case could have been adjusted easily, but that Bettis was looking for trouble. Are you familiar with that?

Mr. Osgood. I heard the statements of the witness at the time, and I have talked with Bettis.

Commissioner WEINSTOCK. Did this case happen in connection with your mine?

Mr. Osgood. No, sir; and I am not familiar with it at first-hand, but I am familiar with the case from hearing Bettis testify.

Commissioner WEINSTOCK. This brief goes on to answer the charge made by the brief presented by the attorneys for the owners in which they charge organized labor with violence and in which they state that the operators ignored instances of violence unfavorable to their side, one the killing of Lipplatt, a union organizer, by Belcher, a detective, and the shooting at Walsenburg of union men, and the killing of one and injuring of another for life, and that the operator's brief does not state the casualties to the strikers and women and children at Ludlow, April 20; are you at all familiar with those cases, and can you throw any light on them?

Mr. Osgood. April 20 was long after the congressional hearing; I don't know how they got that into their brief. The hearing was held in February, and I don't know that that had any place in the brief, but I do know about the Lipplatt case, and that is a rather difficult one to testify about, except in a general way, because one of the parties involved is under indictment, and I do not suppose it would be proper to give testimony as to the defense, but I can say briefly that Lipplatt was a trouble breeder in northern Colorado, and went down there for the purpose of making trouble, and it has been shown that Belcher fired in self-defense and it was not an attack of Belcher on Lipplatt, but of Lipplatt on Belcher.

So far as the shooting in Walsenburg is concerned, that has been tried, and the evidence showed that an attack was made by the strikers on the guards and the guards fired in defense of their own lives. Those cases are all—they have been heard by the grand jury, as far as they occurred in Las Animas County, with the result that over 300 men have been indicted for murder in connection with that difficulty, and all of those men are United Mine Workers of America or strikers.

Commissioner WEINSTOCK. What county is Walsenburg in?

Mr. Osgood. Huerfano County.

Commissioner WEINSTOCK. How do you deal with injured workers? How are they compensated, if at all, under the existing conditions?

Mr. Osgood. We have no system; we have no regular plan of compensation; we have no compensation law in this State.

Commissioner WEINSTOCK. If a worker loses his life, are his dependents compensated in any way?

Mr. Osgood. Not necessarily. In some cases they are and in some not.

Commissioner WEINSTOCK. If he is crippled for life is there any compensation?

Mr. Osgood. No, sir; there is none.

Commissioner WEINSTOCK. Have any steps been taken to compensate injured workers or their dependents for injuries received?

Mr. Osgood. No. Among those a certain number of them belong to certain organizations of their own that they contribute to, but so far as my company is concerned, we have no organization which attempts to pay for these injuries. In specific cases we have paid. In cases where we thought we were legally liable we had attempted to settle without a trial.

Commissioner WEINSTOCK. In other words, the burden of the injury falls upon the worker and his dependents?

Mr. Osgood. Yes, sir.

Commissioner WEINSTOCK. The question is suggested as to whether their pay goes on if they are injured; during the period of their injury?

Mr. Osgood. It does not.

Commissioner WEINSTOCK. Then the whole burden is thrown directly upon their shoulders?

Mr. Osgood. Yes, sir.

Commissioner WEINSTOCK. The industry bears none of it?

Mr. Osgood. No; the industry bears none of it.

Commissioner WEINSTOCK. This brief goes on further to make the statement that the evidence of violence is conflicting and that the mine troubles were precipitated by attacks of guards at Forbes and Walsenburg; there is testimony to show that the first shooting of October 7 was done by the Baldwin-Felts detectives.

Mr. Osgood. On October 7?

Commissioner WEINSTOCK. On October 7; yes.

Mr. Osgood. As I have already stated, all of these cases are in the courts now, and before the grand juries, and there is an abundance of testimony that will show within a few months. Some of these cases are up for trial in two months that will show pretty clearly who the guilty parties are. There is no fear in my mind what the result will be. The claims made in that brief I do not think have any justification from the facts given before the commission. You are asking for my opinion, and that is as much as I can give you. I could go into a great deal of detail about it, but I do not think, unless you want it, it would be particularly helpful now.

Commissioner LENNON. Are you acquainted with Frank Peabody, operating in Illinois?

Mr. Osgood. No.

Commissioner LENNON. With Harry Taylor?

Mr. Osgood. Yes; I met him here within a week or two.

Commissioner LENNON. You know that their testimony is unquestionably to the effect before the commission that the general conditions of the mining industry, under contract with the United Mine Workers of America, with all the objections they have raised, is better than without the contract?

Mr. Osgood. I have not heard their testimony. I happened to talk with Harry Taylor the other day, and I know that his views are exactly my views in regard to it.

Commissioner WEINSTOCK. In the matter of injured workers, Mr. Osgood, is it the opinion of the mine owners that the present situation, throwing the entire burden of the injury upon the worker, that that situation is an equitable one?

Mr. Osgood. It is a situation that has continued for 80 years, as long as I have known anything about the business—for 40 years. Until the agitation for employers' liability laws it has been, I think, the rule everywhere, that a corporation employing men only paid where they were legally liable.

A vast number of the accidents in coal mines are due not to carelessness, but to recklessness. It is a great difficulty which we have to contend with, that a man will take a chance in that inherent spirit there is in human nature to gamble and take chances and run the risk of receiving injury that is entirely unnecessary. It is pure and simple recklessness and I would be glad to give you an illustration of what I mean. As a question of humanity, and taking care of people, a question of charity, the question you speak of is a hard one. As a question of absolute abstract right and wrong, until some law is passed that will protect the company against such conditions we will have to pursue the present course. We had a recent case where a man was killed. Under the eight-hour law the work stops promptly at 5 o'clock, and the men are supposed to work inside until the quitting time. This day happened to be pay day. Some young drivers who wanted to go out left their work before quitting time and went to the bottom of the slope and were stopped there by the man put there to prevent men from going up the slope while trips were going up and down, and they were told that they could not go up and that they would take their lives in their hands if they did so against orders. The men waited there with their mules, and the leader said, "We are going up, anyway." They said, "We can get out of the way if a trip does come down." The man who was put there for that purpose tried to stop them by force and he was knocked down and the men drove their mules up the slope. The three of them met the trip coming down, and two of them got out of the way, but a mule was thrown off the track and into the other man and killed him. As a matter of humanity that man's dependents suffered just as much as if the man had been careful and the accident was caused by our fault. The accidents that do occur in coal mines, I do not think it would be practical, under existing conditions, to take care of those cases unless we had some employers' liability law that fixes liability not liable to change or excessive verdicts of juries, but a fixed liability that could be insured against, and in that way take care of these cases, but as those things are now I do not think we can do anything other than where we feel we are legally liable.

Commissioner WEINSTOCK. This commission has been instructed by Congress to find out the underlying causes for industrial unrest, and we have discovered, thus far in our investigation, that one of the underlying causes—and it is not the least among the causes for industrial unrest—is industrial accidents; therefore, we have become very much interested in the question of work-

men's compensation, and, so far as this commission has been able to ascertain, in the States where that has been introduced it is rapidly wiping out that cause for industrial unrest, and where workmen's compensation prevails, in the cases you cite of willful misconduct, the burden falls on the workmen.

Mr. Osgood. The consequences are the same.

Commissioner WEINSTOCK. In the State of California there have been only two accidents this year where willful misconduct has caused them. Those laws minimize the possibility of willful misconduct.

Mr. Osgood. I am not arguing against the law; I am a strong believer in the expediency of such a law; but I still maintain that the recklessness of men—I don't know whether you can carry it to the point of willful misconduct or whether it would come within the law, but it would open the door to a great deal of litigation even under the employers' compensation law, because so many cases of accidents are caused by the recklessness of men willing to take chances. A considerable percentage occur from the falling of roofs which should be supported. The man who is new and inexperienced will take every precaution because he is afraid of the danger; but the old, seasoned miner who knows the danger will take a chance. He will say, "I will load this car out and take a chance," and he gets killed. You can hardly call that willful misconduct; it is recklessness which seems to be ingrained; it starts with the small boy that runs out in front of an automobile in the street to see how close he can come to it without being run down.

Commissioner WEINSTOCK. The fact remains that employers in other States have taken the initiative, realizing the inequity of the situation if not the iniquity, and have taken the initiative to have those laws passed. Have the employers of this State done anything of that kind?

Mr. Osgood. I have been for four years a member of a commission of this State to formulate such a law. This last year I have done very little, but two years ago we made a report to the legislature; however, we were not ready at that time to suggest a specific law. We finally requested some financial assistance. The first two years I paid all the expenses myself, the second two years I did not feel like doing it, and we asked for money, but it was not forthcoming, and nothing has been accomplished so far by this commission except the benefit the individual members derived from reading a great mass of literature and getting some more clear ideas as to the intricacy of the subject. I am a believer in such a law.

Commissioner WEINSTOCK. Did all the employers then drop the matter, or exercise energy to have it brought about?

Mr. Osgood. I can not answer for any other employer than myself. We have an association acting in matters of that kind. I called attention at the first meeting of this association to this matter and stated it was a matter that should have their first consideration, I prepared a paper, and I think they are interested in the subject, but I can not say that they are ready to do everything in their power to bring about the law—with many of them it is a new subject.

Chairman WALSH. Mr. O'Connell says that he would like to ask a question.

Commissioner O'CONNELL. Just as I came in you were saying that your company would not deal with the United Mine Workers of America, and probably if there was some other organization they might not deal with them. Have you in mind some sort of organization of miners that you would deal with?

Mr. Osgood. No, sir; I have not. My position is simply that there is no possible question of the right of the men to organize and to demand that they shall deal collectively, but there is just the same right on the part of the employer to say that he prefers to deal with men who will deal individually—so long as he can find plenty of men of that state of mind to operate his business I think he has that privilege. I do not think we take the position at all that these men have not the right to organize. I have strong views in opposition to the United Mine Workers of America, which I think are well founded, and I do not want to do business with them, and I won't do business with them. If I have to do business with them I will quit. I quit twice in Iowa; I gave up property worth \$400,000, because I could not work under their regulations and I would do the same thing in Colorado.

Commissioner O'CONNELL. You have given some thought to the question of the individual miner dealing with a large corporation, for instance, such as your own?

Mr. Osgood. I think there is a good deal of misunderstanding and misapprehension about this idea of collective dealing. The individual employee, or the

individual miner, can select and does select the mine and employer he will work for; he knows his terms and the character of his reputation, and he applies to the man for whom he wants to work; he is his own selector of the position, and I do not see why he can not protect himself. If he does not want to work under the conditions in Colorado, he can go to Wyoming or Kansas and work under union conditions. The wages are higher in Colorado than anywhere, except in Wyoming. If he looks at the other conditions, he may think they make up for advantages which he may consider go with the union contract, just as he can in buying his goods. No store is considered a first-class store where a man can go in and bargain as to what prices he shall pay. The man has his chance, in individual action, in trading with one merchant or another, and of going where he thinks he can buy his goods at the best prices, and he can do the same with his employer, and go to the man that has the reputation for the most fair dealing. That is one thing I claim in regard to this whole trouble, that these men who wanted to work in union mines had plenty of places where they could go. The whole thing was an attempt by force of arms to require us to deal with this organization and put all our men, whether they wanted to be members or not, under their rules, and take the management of the mines out of our hands.

Commissioner O'CONNELL. The matters of conditions of employees and hours of labor you think should be set by the employers?

Mr. OSGOOD. Yes, sir; just as the merchant fixes the prices on his goods; if he sets them too high, he will find no purchasers; if the employer of labor sets his wages too low, he will get no employees.

Commissioner O'CONNELL. The employee has no say as to wages or hours?

Mr. OSGOOD. Yes, sir; absolutely, because of he can do better anywhere else he has a right to go there; he has no right to work for me except on the terms that I am willing to pay, and I think I am the best judge of what I can afford to pay. If I can not afford to pay enough, he will probably find some other employer, and I will be without employees and out of business.

Commissioner O'CONNELL. Then, as an individual bargainer, with you, his bargain is simply to take the job or not?

Mr. OSGOOD. Yes, sir; just as when you go to a store, if you buy you must pay the price at which the goods are marked, but you are not forced to buy there.

Chairman WALSH. Commissioner Garretson says he has another question.

Commissioner GARRETSON. Do these mines in the States, which you say have signed up agreements with the miners—were those agreements signed before or after the declaration of the strike in southern territory?

Mr. OSGOOD. Afterwards.

Commissioner GARRETSON. Were any of those mines originally opposed to union contracts?

Mr. OSGOOD. Yes; three or four of them; the operators of those mines were in the meeting.

Commissioner GARRETSON. What has been their relation to that association since that time?

Mr. OSGOOD. The association never continued; that was the only meeting it ever had. The individual mine owners, after that meeting, came around if they wanted to ask about what was going on, and that is the extent of that association.

Commissioner GARRETSON. This one you perfected within the last 30 days?

Mr. OSGOOD. I think the most of those men were in the initial meeting of this association.

Commissioner GARRETSON. The last one?

Mr. OSGOOD. Yes.

Commissioner GARRETSON. And some of them signed up?

Mr. OSGOOD. Yes.

Commissioner GARRETSON. The fact that they signed up has not affected their relations with those that took the opposite course?

Mr. OSGOOD. Only to this extent: There was a strong feeling on the part of those bearing the burden of the strike that some of those who signed up did so to take advantage of the market conditions during the trouble, and we did not have a warm feeling for them. Some of the men made excuses that they had to do it; that they could not afford to stay out on strike; that they had debts to meet. Others made no excuses, but took advantage of the conditions to make money while we were idle. We have no sympathy for the men

that did that, but we have for the men that were forced because of their financial condition; but those who did it to take advantage of the troubles of the others, I do not think there is any warm feeling toward them.

Commissioner GARRETSON. You feel toward them like the average union man feels toward the fellow that goes back to work at a reduced rate? [Applause.]

Chairman WALSH. Ladies and gentlemen, you can understand, and I will tell you now once for all, and I hope it will last all the time, that in a matter of this kind where sympathies are naturally deep, and prejudices also, it makes distinctly for disorder to exhibit any outward manifestations of approval. We are going about the country trying to do these things logically, and in a sensible manner, and you may be sure that if something is said that stirs your sympathy and calls your applause, that something will be said later on the other way, and it is impossible to keep any semblance of order unless we have the cooperation of all present; please, therefore, give no manifestations of your feelings.

Commissioner GARRETSON. You spoke of the feeling of the Illinois mine owners toward unionism. Is the commission to understand that the men representing the mine owners of Illinois have testified before the commission as to what they consider desirable relations with the organized miners—are we to consider that the testimony that they gave in that direction is valueless?

Mr. OSGOOD. I don't know who gave testimony before you, Mr. Garretson, and I don't know every mine operator in Illinois. I do say, and I repeat it, that all the mine operators I do know, and I know a good many—I do not know one of them who does not believe that the conditions under which he is now working are unfavorable to his business. It is possible there are operators who believe in the United Mine Workers' organization. There may be, only I don't know them. I do know a good many operators whom we have wanted to come here and testify in regard to this matter, but who, because they did not care to strain their relation with the organization that they feel that they must do business with, have declined to do so, although they are perfectly willing in private conversations to express themselves freely. Now, it may be that I have done Mr. Harry Taylor an injustice, but as long as I have, I can repeat it again—

Commissioner GARRETSON. I am not referring to Mr. Taylor at all. You spoke a moment ago about your abiding faith about what the verdict would be in certain trials that were pending, as demonstrating the guilt or innocence in certain cases, referring to some trials in Huerfano County.

Mr. OSGOOD. Yes.

Commissioner GARRETSON. Has it ever been asserted that in that county the mining companies, without singling out any one of them, exercised undue influence over civil or criminal process in those counties?

Mr. OSGOOD. I want to say before I answer that question, that I do not refer to Huerfano County, but to all the counties. The trials taking place to-day are taking place in Fremont County. Another trial is taking place by change of venue from Huerfano County to Pueblo County; and those charges have been made. I don't think they have ever been substantiated in the slightest degree. It is like any community where they have a strong partisan majority. The other side is going to declare that there is fraud in that particular county. And it comes from the Republican side just as strongly as from the Democratic side, that the sheep are voted there. They say the miners are voted—and it is simply charge and countercharge and there has never been any proof of it. And the last time a State senator was elected from one of those counties down there on the Republican ticket he was seated by the vote of the Democratic legislature—by the vote of an adverse interest. Now, anybody can make a charge of that kind, but there has never been any proof of it.

Commissioner GARRETSON. But it has existed a great many years?

Mr. OSGOOD. Yes; and it has existed about certain wards in Denver during all that period of time, and about certain counties in the State; and I guess it is so elsewhere. I was told so by different members of the congressional committee—that in almost all of the counties of their own States they had such conditions.

Chairman WALSH. Have you any memorandum of any kind of the documents we have asked you to present?

Mr. OSGOOD. Well, I have been depending on Mr. Gove to take that down. I don't know whether he did or not.

Mr. GOVE. I have made a note of it.

Chairman WALSH. You have got a note of those documents?

Mr. GOVE. Yes, sir.

(See Gove exhibits.)

Chairman WALSH. All right. You will be excused. Mr. Osgood.
Call Gov. Carlson to take the stand.

TESTIMONY OF GOV. GEORGE A. CARLSON.

Chairman WALSH. What is your name, please?

Gov. CARLSON. George A. Carlson.

Chairman WALSH. What is your profession?

Gov. CARLSON. Lawyer.

Chairman WALSH. How long have you lived in Colorado?

Gov. CARLSON. Since 1880.

Chairman WALSH. How long have you practiced your profession in this State?

Gov. CARLSON. Since 1905 in this State.

Chairman WALSH. You are the governor-elect, I believe, of this State at the present time?

Gov. CARLSON. Yes, sir.

Chairman WALSH. And you assume the duties of your office on what date?

Gov. CARLSON. I think the 8th day of January; I am not sure.

Chairman WALSH. Now, prior to your election had you held official position in Colorado?

Gov. CARLSON. I was district attorney of the eighth district from 1908 until the present time. I have not yet resigned.

Chairman WALSH. That includes what counties, please?

Gov. CARLSON. Boulder, Laramie, Weld, and Jackson.

Chairman WALSH. And in your duty as district attorney have you had to deal with some of those industrial disturbances or alleged crimes growing out of them?

Gov. CARLSON. I have had to deal with crimes.

Chairman WALSH. But you have not been in any other touch with the situation?

Gov. CARLSON. Not any further than trying to exercise or help the police officers to maintain peace in times of trouble.

Chairman WALSH. Have you or have you not taken part in any conferences that were had to bring about a settlement of the controversy between the mine operators and the miners?

Gov. CARLSON. No; I have not taken part in any conference trying to effect a settlement of any.

Chairman WALSH. Have you made a study, Governor, of the existing statutes to ascertain whether or not they are effective in conferring proper authority on the officers of the State, or ineffective, with a view to suggesting improvements in them?

Gov. CARLSON. I have; yes, sir; to some considerable degree.

Chairman WALSH. I wish you would state to the commission, if you will, the situation that you find the law itself in—that is, the statute law, which makes it difficult or impossible for the administrative officers effectively to discharge their duties?

Gov. CARLSON. Now, I am not referring to the coal mining code or other laws, many of which I regard in themselves as very excellent laws. I would not go so far, Mr. Walsh, as to say it was impossible for them to administer their duties. There are certain things in our system of administration that I think greatly hamper the executive, not only in dealing with a crisis, but in dealing with a condition at the period of the inception of a crisis, and which also prevent the public from obtaining accurate information in regard to the exact situation. Indeed, I could go on in different general criticisms which are justly placed, I think, against our system.

Chairman WALSH. Well, sketch it concisely and generally, but give us what you consider the limitations of the present laws as they have actually worked out.

Gov. CARLSON. Now, in the first place the responsibility of the administration in the enforcement of law finally is upon the chief executive of the State. I think that our system wherein certain administrative and executive officers are placed under a coordinate executive department, like, for instance, the appointment of the labor commissioner and other officers of that type by the secretary of state, is a mistake. I think that that appointment should originally be with the governor.

I also believe that the division of forces between a number of independent officers is also a mistake. I think the administration of all the laws relative to employer and employee should be through one board and that board closely coordinating with the executive of the State. Now, take, for instance, this situation: Suppose a coordinate officer—in the first place, where there is a responsibility fixed you get the best service. Again, an officer that is largely ministerial should never have the duty—should not have imposed upon him an executive duty. That particular officer, if unfriendly to the executive, may embarrass the executive. And so one thing I have found in the study of the different laws over the country that I think would do us here is the system of a single board—such a system as they have in effect, for instance, in Wisconsin and also other States. I like the Wisconsin system the best on that.

Chairman WALSH. Have you given attention to the details of the attempted concentration laws affecting industry particularly, Governor?

Gov. CARLSON. Why, we have for a long period of time—for instance, take in the field where there were certain differences and there was certain information that should be brought to the chief executive, and it has seemed to me that it should be brought there by certain ministerial officers, that on going to the chief executive for that information we find that he does not have that particular detail, and apparently those officers were not coordinating with him at all nor working with him. Now, at that time, or about that time, I began to make a study of the weakness of our system. And it would seem to me that the first thing we must have is centralization of power in some competent board.

Now, I believe that board should not be the representatives of either labor or capital; that is, partisan representatives, the original board; and that board should have under it a number of experts controlled in their appointment by that board. For instance, at the time of the inception of a strike there is a certain period before the time of the crisis; now, when we find ourselves practically in this situation, that we haven't any competent board to go right in there at the time of the very inception. We have to wait until the legislature meets. Then, for instance, an investigating committee is appointed. That investigating committee is not, perhaps, acquainted with the employers and employees; does not know the business; may not know the specific point of controversy, and they will have spent a good deal of time, for instance, getting acquainted. They have to learn where, for instance, the mine is located; they have to learn the business; they have to learn the details of the controversy; and by that time they are expected to report. Now, during that period the strike has probably been declared and bitterness has been engendered, and their report does but little good. And then after they do report, the public begins to inquire who they are, and wants to know about their wisdom and fairness, and whether this interest or that interest dictated their appointment, and how much they know about the situation.

Now, I think, for instance, this, that if we had a board that was a non-partisan board, a board that was fixed, and as to the selection of the board and the way it may be made nonpartisan, I think that can be arrived at; and if they were closely in touch with the particular problems, if the public was acquainted with that board as a nonpartisan governing board, and if immediately upon the very inception of difficulties they should appear there and go over the situation, knowing the employers and knowing the employees and knowing the particular problem—they have got their influence as governmental officers and their suggestions at that time and their influence, particularly if they had the power of investigation—I think they should have the power of investigation as to both sides; that is, in the way of requiring witnesses to appear before them—that they could do effective work. They are acquainted with the situation at the time and place of the crisis and they are in a position to act. Now, they are coordinated with the governor, with the executive, and he is at once furnished with accurate information as to the entire situation. That sort of a commission, acting in that way, I believe would help. Now, then, in case either or both of the parties refused to pay attention to the suggestions, the information of that body sent to the public would be dependable. The public would rely upon it. Then there are other functions.

Chairman WALSH. Have you given attention to the subject of safety in industry and sanitation?

Gov. CARLSON. Yes; and along that line it seems to me that we have gotten to this place in government, when the active business forces and the active

laboring men must take a stronger part in the conduct of governmental affairs. Now, in respect to the workings out of the problems of safety particularly, I think that in working out those problems something of the method adopted in Colorado, as I understand, in drawing up the coal-mining code is good. In the first place the code that was drawn up was upon a basis drawn up by the employers and employees largely, so I understand. I don't know the details. That subsequently there was a conference between the employers and employees, and that they worked together for some period of time, and as the result of that conference they drew up our present coal-mining code, which, my information from both sides is, is a good one. Now, that same system, I believe, is in vogue in Wisconsin. They have an advisory board of employers and employees working in conjunction with each other. And in regard to the rules of safety under which the employer must conduct his business and under which the employee is to work, they work those up. In regard to that advisory commission I understand that in the original selection of that non-partisan board they went to both the representatives of the employers and of the employees and requested that they put upon it the strongest and biggest men they had in the State; that they worked together for a number of months and worked out their methods and their safety appliances. Now, as a result of that the employers and employees united and agreed. They adopted the rule that there would be no rule adopted which would have the force and effect of law unless by unanimous agreement; and they fought it back and forth and finally adopted a basis of rules which, upon going to different people there, and I went to both classes as much as I could and asked them about it, I found was uniformly satisfactory to employer and employee.

Now, it seems to me that is one thing we must get to and that is the system that they adopted there of asking representatives of both classes to serve absolutely without pay and without expense, thus getting the most patriotic men to devote their time to it. Now, it seems to me the strong men of the State must actively connect themselves with the business affairs of the State; that when we have a problem, instead of standing off and away from it or instead of leaving it to some one who knows nothing about it, we must get to dealing with that problem the active and strong men upon both sides. Now, as the result of that, they have furnished certain statistics showing that their whole object has been largely accomplished. They say there are certain inevitable accidents, but that they have been able to prevent many others, and they show the percentage of prevention—some 30 per cent, I think. Now, their whole effort along that line, or at least their main effort, is the proposition of prevention. Now, I don't know, but it seems to me that we are acting on the principle that the interests of labor and capital are adverse. Now, I don't want this discussion—

Chairman WALSH. Go ahead, Governor.

Gov. CARLSON. It seems to me the interests of labor and capital are identical; that we must go upon that theory instead of upon the theory of stirring up differences and disrupting those two forces; and we must adopt a system of law whereby they will necessarily work together. Now, in the first instance, in order to accomplish that, we can not have a partisan representation of either side. Now, a partisan representative of the laboring classes is fatal to them because that immediately gets them into politics; and a partisan representative of the other side is fatal also to them. A partisan representative on either side does not have the confidence of the other side. In a matter that is so spirited and where the conditions are so vital you can not get it. But the system they have adopted there of having a commission of men that are nonpartisan, and truly so, and who, instead of working upon the proposition that labor and capital are necessarily opposed one to the other, believe in the proposition that their interests are united and identical, and work right along that line, such men get the benefit of the representatives of the employers and of the representatives of the laborers. They get the benefit of this antagonism and this discussion, and out of it they work and cooperate and get acquainted with each other and become more definitely identified with the government. And it seems to me that there is something along that line that is worthy of the consideration, and the serious consideration, of the laboring people and of the employers in this State.

Now, I do not believe, for instance, in taking a law from another State and bringing it here. We have our own problems and we have our people who know our problems. We have many employers here who are seriously endeavoring to solve this question; and it seems to be that the thing which we should

do is to give them that opportunity of solution—something along that line—and they can accomplish a great deal. And then another thing. Take and read the different reports that you get, for instance, in regard to any strike and it seems like the two sides do not understand each other, either that, or there is an attempt on the part of one or both to misrepresent a great many facts. But if there was a representative body working in conjunction with the Government, there would not be any reason for a misunderstanding of those facts; and that is the reason that I think you can accomplish a great deal, and I think it is in the way of obtaining better safety appliances in this State.

Chairman WALSH. Have you paid any attention, Governor, to the question of workmen's compensation and placing the burden of the increased cost of the employees upon the industry as a whole?

Gov. CARLSON. I have. And I think a great deal of our waste, I put it, not only upon that ground, but upon the ground of elimination of a great deal of waste. For instance, there are the delays and the expenses of the courts which I think can largely be obviated; and I believe that there is a great deal of work that can be done along this line, and I think there should be every effort made along this line.

Chairman WALSH. Are you aware of the fact testified to by the last witness that there is a commission which has existed in the State of Colorado for something like four years and which is supposed to be working upon this subject?

Gov. CARLSON. I am aware of that now, and I think I heard of that before; but I was aware of it before the time of this witness's testimony.

Chairman WALSH. Have you studied the workmen's compensation acts of other States and made any inquiry into the operation of the same?

Governor CARLSON. I have.

Chairman WALSH. Have you some definite ideas as to what is desirable in that respect?

Gov. CARLSON. I have.

Chairman WALSH. If so, state them.

Gov. CARLSON. Well, I think that there should be—that the workmen's compensation act should be administered through such a body as I have designated, and that that is a matter that should be worked out by employers and employees, first, by way of investigation, and finally in the drawing up of an act. I think in the very drawing of the act that the employers and employees should cooperate to get one that is fair, and that eliminates the waste and expense and gives adequate and prompt remedies to those who are injured and properly protects the employers.

Chairman WALSH. Do I understand that you have made a first-hand investigation of the Wisconsin industrial council? You have been there, have you?

Gov. CARLSON. Yes, sir.

Chairman WALSH. Have you any other suggestions that you could make to the commission that you think might tend to do away with such controversies as exist in the State on account of their interstate character, as you heard suggested by Gov. Ammons this morning?

Gov. CARLSON. Well, in regard to certain parts of the controversy I have definite ideas—

Chairman WALSH (interrupting). I wish you would state those, Governor.

Gov. CARLSON. I just want to say one word in respect to the question of violence. I think this: I think that all officers and all people and all organizations should be united upon the proposition that violence is not justifiable by either labor or capital, and that upon that question there should not be any difference of opinion. Now, that is a proposition that I believe the people of Colorado are absolutely determined upon; and I think if all the officers—while they may differ in regard to the merits of an industrial dispute and may have different solutions in regard to that—there can not be any difference upon that one question; and so that part of it of course is a serious part and prevents us from getting anywhere. It has cost us three-quarters of a million dollars and many lives on both sides. That is a matter on which there should be no difference and on which everyone should unite. Now, if we are not united upon that proposition and if we seek to go to the original merits of the question when violence enters into it, I think we are making a mistake, just the same as I think we ought not to go and talk about the cause of a fire when a house is on fire. Now, that is all I have to say upon the question of violence, and I have simply to say this, that I believe that among our officers connected with such a situation there should not be any dispute or difference when it comes to the ex-

ecution of laws and the prevention of violence, and that labor and capital under no circumstances should justify it; and that if either or both do, the public should not tolerate it at all. Now, that is the only way we are going to sustain the Government. I don't think there should be any division one way or the other on that.

Chairman WALSH. Excuse me, please. At this point we will stand adjourned until to-morrow morning at 10 o'clock. Will you kindly resume the stand to-morrow morning at 10 o'clock?

(Thereupon, at 4.30 o'clock p. m., the proceedings were adjourned until the following morning, Thursday, December 3, 1914, at 10 o'clock.)

DENVER, COLO., *Thursday, December 3, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Commons, and Weinstock.

Chairman WALSH. The commission will please be in order.
Gov. Carlson.

TESTIMONY OF GOV. GEORGE A. CARLSON—Continued.

Chairman WALSH. Now, Governor, is there anything further that you desire to state?

Gov. CARLSON. I think not, Mr. Walsh.

Chairman WALSH. Very well. You will be excused, then; thank you.
Call Mr. Dalrymple.

TESTIMONY OF MR. JAMES DALRYMPLE.

Chairman WALSH. State your name, please.

Mr. DALRYMPLE. James Dalrymple.

Chairman WALSH. What is your occupation?

Mr. DALRYMPLE. State coal-mine inspector.

Chairman WALSH. How long have you been State coal-mine inspector?

Mr. DALRYMPLE. Four years.

Chairman WALSH. Who has the appointment of the State mine inspector in the State of Colorado?

Mr. DALRYMPLE. The governor.

Chairman WALSH. You are an appointee of the present governor?

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. What was your business prior to holding your present position?

Mr. DALRYMPLE. I was deputy inspector for 15 months.

Chairman WALSH. And prior to that time what was your business?

Mr. DALRYMPLE. Well, coal mining.

Chairman WALSH. Coal mining?

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. How long have you been in that business?

Mr. DALRYMPLE. Well, I have been engaged in mining for nearly 40 years.

Chairman WALSH. In what States have you pursued your vocation?

Mr. DALRYMPLE. Pennsylvania, Colorado, New Mexico, and Washington.

Chairman WALSH. How long have you lived in Colorado?

Mr. DALRYMPLE. Since 1885.

Chairman WALSH. What length of time have you lived in the other States which you have mentioned?

Mr. DALRYMPLE. I lived three years and nine months—well, I have been absent from Colorado about two years since 1885. Prior to coming to Colorado I spent three years and nine months in Pennsylvania.

Chairman WALSH. How long were you in Washington?

Mr. DALRYMPLE. Six months.

Chairman WALSH. I wish you would state as briefly as you can the nature of your duties as State mine inspector.

Mr. DALRYMPLE. Well, the nature of our duties is to attend to the sanitary and safety conditions in coal mines. That is about as brief as I can make it.

Chairman WALSH. I wish you would explain how the general conditions of the coal mines of Colorado compare with the coal mines of other States as to accidents and means to prevent accidents?

Mr. DALRYMPLE. Well, I have not compared Colorado with any particular State with relation to fatal accidents or nonfatal accidents.

Chairman WALSH. How do they compare generally, if you can make a comparison?

Mr. DALRYMPLE. The only comparison I have made is comparing Colorado with United States as a whole.

Chairman WALSH. Give us the result of that, if you please.

Mr. DALRYMPLE. Here is Table 4 of the 1913 report of the State Inspector of coal mines, showing the number killed per thousand employed and per million short tons mined and production per death, short tons.

Chairman WALSH. A little louder, if you please, Mr. Dalrymple, and not quite so fast.

Mr. DALRYMPLE. Showing the number killed per thousand employed per 1,000,000 short tons mined and production per death short tons for the years 1910, 1911, and 1912. That is as late as I could get it in the United States. Now, in the year 1910 in the United States they killed 3.92 per 1,000 employed, and they killed 5.66 per 1,000,000 tons produced, and the production per death of short tons mined for the same year was 177,000. In 1911 they killed 3.73 per 1,000 employed, 5.48 per 1,000,000 tons produced, and the production per death of short tons for that year was 183,000. In 1912 they killed 3.15 per 1,000 employed, 4.29 per 1,000,000 tons produced, and 233,000 tons per life lost.

Now, this table for the State of Colorado is for the years 1911, 1912, and 1913; that is the comparative table for the State of Colorado. The one I have just read is for the years 1910, 1911, and 1912. The comparative table for the State of Colorado shows for the year 1911 they killed 6.35 per 1,000 employed, 8.92 per 1,000,000 tons produced, and they produced 122,880.20 tons per life lost. In 1912 they killed 7.055 per 1,000 employed, they killed 8.90 per 1,000,000 tons produced, and they produced 112,417.84 tons per life lost. For the year 1913 they killed 8.60 per 1,000 employed, 11.86 per 1,000,000 tons produced, and they produced 84,263 tons per life lost.

Chairman WALSH. Where did you get the figures for Colorado? Did you get them at first-hand?

Mr. DALRYMPLE. I took them from the records of the office.

Chairman WALSH. Of your office?

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. And gathered by your assistants during the time you have been in office, and by other employees of the State government during that time?

Mr. DALRYMPLE. Those are my figures.

Chairman WALSH. Have the State laws in Colorado affecting coal mines been enforced by the companies?

Mr. DALRYMPLE. Well, by some of the companies they have been enforced to a very great extent.

Chairman WALSH. Well, I would like you to give the conditions, then—just what companies have enforced them, and what companies have not enforced them, and in what respects they have not been enforced.

Mr. DALRYMPLE. Well, it is impossible for me to sit down and memorize each individual company; there are too many companies in this State to memorize those things. All I could give you would be in a general way. Now, with the largest of the companies we have very little trouble in having them comply with the law. They cooperate with us to a great extent in carrying out the law. The greatest trouble we have is with the small fellows.

Chairman WALSH. In what way have the laws not been carried out with the small ones?

Mr. DALRYMPLE. Well, in a great many ways. For instance, in a great many cases we find the mine foremen, even men who have been in the mines all the time, men who are considered very careful and good as mine foremen, yet they are negligent. They give their duties very little consideration; and then the conditions under which we work have not been satisfactory. We have been handicapped to such an extent that I have not felt justified in taking the action against some of those people that should have been taken, because the department has not complied with the law itself.

Chairman WALSH. In what respect?

Mr. DALRYMPLE. Our new law says that all men taking the position of mine foremen or mine foreman assistant, or fire boss, or mine examiner, shall be certified men, and that the board of examiners shall arrange to have three ex-

aminations to give those fellows that want to take their chance to qualify. Now only one of those examinations has been held; the other two have not been held. Consequently, there are a great many men in the State holding those positions who are not qualified because they have not had the opportunity. I have not felt justified in asking for the removal of anyone because they have not had the chance to qualify.

Chairman WALSH. Where does the fault lie for the failure to have these men qualify?

Mr. DALRYMPLE. Well, the fault lies because we haven't got the funds. The department is maintained by a tax on the coal produced. The production has decreased and the revenue has decreased and we have not had the money to hold those examinations. We have not had any help from the State.

Chairman WALSH. What is the reasonable likelihood of getting the money?

Mr. DALRYMPLE. Well, that depends upon the production. Under present conditions I would not want to commit myself as to what the outlook is.

Chairman WALSH. Is there any outlook for any change in legislation to give you the revenue?

Mr. DALRYMPLE. Not that I know of.

Chairman WALSH. Is there any effort being made by any person to bring about such results?

Mr. DALRYMPLE. In my report here I recommend that the law be amended; and that was one of the things I had in mind.

Chairman WALSH. Is there any body of men in this State—any committee—that speaks for the miners, the working miners, before the legislature on subjects of this character affecting their welfare?

Mr. DALRYMPLE. There isn't any, to my knowledge, only what has been done toward getting the present law. I think there was Mr. Lawson and myself and Mr. Duce appeared before the State senators and representatives.

Chairman WALSH. How do you account for the failure to bring about a decrease in the number of accidents in the mining industries of the State? There seems to be quite a movement throughout the nation and a very fair result being obtained in reducing the number of accidents. Why, in your opinion, is that not true in the State of Colorado in the mining industry?

Mr. DALRYMPLE. Well, the coal-mining industry in the State of Colorado has been given very little, if any, consideration by the State. That is the reason, in the drawing up of this new law, that the financial burden was placed on the operators instead of the State of Colorado. The force has been entirely inadequate. They have no authority—well, we have got some authority, but we are working with the same force now that we did before the new law became a law. We are working with three deputies instead of five. The territory is entirely too big. We can not do justice to ourselves or to anyone connected with the industry.

Chairman WALSH. Generally speaking, how are the employees in the mines in Colorado with reference to nationality?

Mr. DALRYMPLE. Well, I couldn't tell you only prior to the calling of the strike; and at that time the English-speaking, I think, was between 31 and 32 per cent, and there are 30 per cent Italian, and the balance in the different nations.

Chairman WALSH. When these foreigners come into the mines are they, as a rule, men who had experience in coal mining elsewhere?

Mr. DALRYMPLE. Well, that I couldn't tell you, only from my own personal observation.

Chairman WALSH. That is a good way to tell it.

Mr. DALRYMPLE. Yes; but, then, I haven't seen enough of them. There are a good many of them that, in my opinion, never were in a mine. Then, again, I have seen some good miners among them.

Chairman WALSH. What nationality have you seen good miners among?

Mr. DALRYMPLE. Well, I have seen good miners among the French and among the Italians and the Germans; I have seen good miners among all of them, I believe.

Chairman WALSH. Does the employment of men unable to speak English increase the number of accidents, in your opinion?

Mr. DALRYMPLE. By employing men that speak English?

Chairman WALSH. Yes; by employing men who do not speak English, does that increase the number of accidents?

Mr. DALRYMPLE. Oh, increase the number of accidents?

Chairman WALSH. Yes.

Mr. DALRYMPLE. Yes; I think so, especially with the superintendents.

Chairman WALSH. Well, superintendents and bosses are all English-speaking people are they, as a rule?

Mr. DALRYMPLE. Yes, sir; there may be one or two exceptions.

Chairman WALSH. Does the number of inexperienced and non-English-speaking miners seem to decrease or increase?

Mr. DALRYMPLE. Well, I don't know what they are at the present time. The last information we had, as I told you, was when this new law was passed; there was a provision in there stating that the vital sections of the law shall be printed in the necessary foreign languages; and in order to find out what languages they would have to be printed in we sent out a circular letter to each employer in the State asking for information as to different nationalities of employees, and I haven't had any information along those lines since.

Chairman WALSH. When did you send that out?

Mr. DALRYMPLE. That was prior to the strike.

Chairman WALSH. Did you get all that information at the time?

Mr. DALRYMPLE. Yes. I have got it down in the office worked out in percentages.

Chairman WALSH. What is that?

Mr. DALRYMPLE. I have got it down in my office worked out in percentages for the different nationalities.

Chairman WALSH. Will you please turn it over to our secretary, Mr. Dalrymple?

Mr. DALRYMPLE. Yes.

Chairman WALSH. Is it in such shape that it can be turned over?

Mr. DALRYMPLE. I think so.

Chairman WALSH. We will be pleased to have you do that.

(See Dalrymple exhibit.)

Chairman WALSH. Now, have you made a study so that you can give us the comparative production of coal in this State during years in the past?

Mr. DALRYMPLE. Well, I believe that my report—

Chairman WALSH. That is, in the State as a whole, first?

Mr. DALRYMPLE. The State as a whole?

Chairman WALSH. Yes.

Mr. DALRYMPLE. In 1913 the production amounted to 9,268,939; in 1912, 11,016,948; in 1911, 10,197,595.

Chairman WALSH. What was the production during those same years in Huerfano and Las Animas Counties? Have you that there separately?

Mr. DALRYMPLE. I do not believe that is in this report for 1911-12, I don't believe we have got the production by counties.

Chairman WALSH. You have not the production by what?

Mr. DALRYMPLE. By counties in the biennial reports for the years 1911 and 1912.

Chairman WALSH. Could you get that from the figures which you have in your office?

Mr. DALRYMPLE. I could get it; yes.

Chairman WALSH. Would you be kind enough to do that and give it to us before we adjourn, before the latter part of next week?

Mr. DALRYMPLE. Yes; if you will make a note of what you want and give it to me.

Chairman WALSH. That is the production for the same years which you have given for the whole State—give it to us for the counties of Huerfano and Las Animas.

Mr. DALRYMPLE. You want the production for each individual county for the year?

Chairman WALSH. The same years that you gave us for the whole State.

Mr. DALRYMPLE. All right, sir.

(See Dalrymple exhibit.)

Chairman WALSH. In your opinion, Mr. Dalrymple, is collective bargaining between organizations of employees and operators necessary or desirable from the standpoint of prevention of accidents and enforcement of the mining laws?

Mr. DALRYMPLE. I think it is advisable.

Chairman WALSH. What are your grounds for that conclusion?

Mr. DALRYMPLE. Well, my ground is my own personal experience in going through life at the mines. I find in the majority of cases where you have only got—where you have got your fellow man behind you that it is useless to make

complaints. An individual making a complaint does not very often accomplish anything.

Chairman WALSH. Have you any other reason?

Mr. DALRYMPLE. Yes. In relation to accidents I think if the man was allowed to appear before his employers collectively, or by representative to represent them, that it might be the means of saving some of our disasters. It does not matter how competent a mine foreman or anybody else might be, there are none of us see it all; and I think in order for to cut accidents down to a minimum it is necessary to have the cooperation of everyone engaged around the mines.

Chairman WALSH. Have you any other suggestions that you would like to make to the commission, or any testimony that you would like to volunteer to us, growing out of your experience, as an official in the mines, which might tend to bring about any better conditions in the prevention of accidents, better relations between the employers and the employees, anything that would be conducive to the good of the industry?

Mr. DALRYMPLE. Well, I think that if a condition could be brought about whereby a man entering a coal mine would have to serve an apprenticeship the same as in a machine shop or barber shop, it would be the means of cutting the accidents down materially.

Chairman WALSH. Mr. Weinstock would like to ask some questions.

Commissioner WEINSTOCK. What powers and authorities are given to you under the law, in the matter of inspections?

Mr. DALRYMPLE. Well, wherever we consider a mine, or any part of a mine dangerous to the life or health of the employees, we have authority to shut it down.

Commissioner WEINSTOCK. Have you authority to introduce safety devices and safety machines?

Mr. DALRYMPLE. As far as the law goes on those things; yes, sir.

Commissioner WEINSTOCK. How far does the law go?

Mr. DALRYMPLE. Well, it goes quite a long ways. There are a great many improvements, safety machines, safety devices included in this new law that we did not have before.

Commissioner WEINSTOCK. Are your powers broad enough to permit you, legally, to insist on the introduction of certain safety devices, if in your judgment they are essential?

Mr. DALRYMPLE. Well, I say yes, as far as the law goes.

Commissioner WEINSTOCK. Well, then, you substantially have the same powers that the State safety departments have in other States?

Mr. DALRYMPLE. I don't know; I am not familiar with that authority. But it is just as I told you before, there are many things in law that are not carried out. I do not feel justified in taking action against the men I consider responsible for them not being carried out because of the fact that the State has not given those men a chance to qualify. If they were certified officials and they deliberately violated the law then I would have a ground for appealing to their employer to remove them. But as I told you, those people have not taken examinations, the examinations have not been held, and consequently there are a great many mine officials that are not certified men; they have not been given the opportunity to qualify.

Commissioner WEINSTOCK. Are any steps contemplated to remedy those weak spots?

Mr. DALRYMPLE. Not any more than I recommended, in my reports, that the law be again amended; and I have made a record of a few sections that I have thought ought to be amended; and I think it is absolutely necessary if the department is to be run with the force mentioned in this report—it is absolutely necessary that the funds be increased.

Commissioner WEINSTOCK. What is your opinion of the virtue and the necessity for a workmen's compensation act in the State of Colorado?

Mr. DALRYMPLE. I think it is very necessary.

Commissioner WEINSTOCK. You think it is very necessary?

Mr. DALRYMPLE. Yes, sir.

Commissioner WEINSTOCK. Can you explain why, in the face of the fact that nearly 25 States in the Union have adopted and are now living under workmen's compensation laws, Colorado has not come into the list?

Mr. DALRYMPLE. No; not any further than—it is not any further behind in that respect than in a great many other things.

Commissioner WEINSTOCK. Do you know of any activity that is going on along the lines of arranging to put into effect a workmen's compensation law in this State?

Mr. DALRYMPLE. I think it was in 1911 that the general assembly appropriated \$1,000 and appointed or elected a commission for the purpose of drawing up a compensation law.

Commissioner WEINSTOCK. That was three years ago?

Mr. DALRYMPLE. Yes, sir; and I think we met four or five times.

Commissioner WEINSTOCK. Well, in view of the fact, as I state, that 25 States—24 or 25 States—are now successfully operating under the law, why should it take three years' time in which to prepare a law, when the laws of these other States are in existence?

Mr. DALRYMPLE. I don't think you can select any of the compensation laws now in existence that would apply to the State of Colorado.

Commissioner WEINSTOCK. But with the experience of these 24 or 25 States before you, it ought to be a very simple matter to draft a law that would fit.

Mr. DALRYMPLE. But we never got that \$1,000, it was put back into the fourth or fifth class, we never had it, and we did not draw up any compensation law; we made a report to the following assembly, but what was done with it I don't know.

Commissioner WEINSTOCK. Were you a member of that commission?

Mr. DALRYMPLE. Yes, sir; we have a great many small operators in Colorado, and if we were to pass a compensation law and hold each operator individually responsible for his actions, in my opinion such a law would not work in the State of Colorado, because if one of those small operators was to have a large accident they would not be able to bear the compensation, and the people interested would not be benefited and it would put that small operator out of commission.

Commissioner WEINSTOCK. That is true, but in most of the States where the compensation law prevails, a system of insurance relieves them of that burden. They simply pay an annual premium and the insurance carrier takes up the loss.

Mr. DALRYMPLE. I think the paramount question is to avoid accidents. If you do not draw up a compensation law with that in view it is not going to accomplish what it was intended to.

Commissioner WEINSTOCK. No; as a rule the compensation law of the various States have several departments, a service department and a safety department, which are for the express purpose of minimizing accidents.

Mr. DALRYMPLE. If you pass a compensation law and hold the industry responsible for each accident, you are going to tax mine owner who is giving his men due consideration and care; you are going to tax him up with the actions of the fellow who is negligent and careless.

Commissioner WEINSTOCK. That is true, but the safety department I have mentioned can compel that man to put in safeguards to protect his people.

Mr. DALRYMPLE. Well, that may be true, if you have an adequate department and have the funds to do the work; but, hampered as we have been for funds and help to do the work, it is difficult. I know that in a great many cases the supervision of the mine officials has been increased; I know we have made a greater effort to cut down the rate of accidents—still we have not succeeded.

Commissioner WEINSTOCK. This commission, in its investigation in the various States, has found that the enactment of a workmen's compensation law has tended very materially to minimize one of the causes of industrial unrest. It is found that industrial accidents are one of the prominent causes for industrial unrest, and it would seem to me that if the miners and the people of Colorado wanted to minimize industrial unrest, one of the first actions that should be taken is the enactment of a workmen's compensation law. We have found that one of the prime causes for poverty is industrial accidents which annually have thrown untold numbers of people below the poverty line, which is a menace to society and that the operation of a workmen's compensation law keeps those people from being dropped below the poverty line and is therefore a safeguard to the welfare of the Commonwealth. It would therefore seem that the authorities and the miners of Colorado should give that matter very serious consideration if they are earnest in their efforts to diminish industrial unrest.

Mr. DALRYMPLE. I think that should be done, but I think such a law should be made to apply to not only the mining industry, but to all other industries.

Chairman WALSH. Commissioner Lennon would like to ask a few questions.

Commissioner LENNON. Did the commission of which you are a member make a report?

Mr. DALBYMPLE. Yes, sir.

Commissioner LENNON. Will you furnish this commission with a copy of that report?

Mr. DALBYMPLE. I don't know whether I can or not.

Commissioner LENNON. Make an effort and give us a copy of that report.

Mr. DALBYMPLE. I will call up the secretary of that commission and find out if he has a copy of that report and submit it.

Commissioner LENNON. Who is the secretary?

Mr. DALBYMPLE. Senator Harvey E. Garman.

Commissioner LENNON. You made a statement something to this effect, Mr. Dalrymple, that if a great accident occurred that it would put out of business some of the small companies under a compensation law?

Mr. DALBYMPLE. Yes, sir.

Commissioner LENNON. Well, it is possible that the people of Colorado consider the continuance of a business of more importance than human life?

Mr. DALBYMPLE. Well, I don't know.

Commissioner LENNON. Well, do you? What is your view of it?

Mr. DALBYMPLE. No; I don't so consider it; I look at the matter like this: I have always been inclined to take the little dog's part, and I think that if it is necessary to protect life to put the little fellow out of business, then he ought to be put out as quick as we can put him out.

Commissioner LENNON. If that is the case, then you want to get into the harness in trying to work for a compensation law.

Mr. DALBYMPLE. I have more work otherwise than I can attend to without going into compensation laws.

Commissioner LENNON. Are the mines of Colorado naturally more dangerous than they are in other parts of the United States?

Mr. DALBYMPLE. Well, I believe there is more danger connected with coal mining in Colorado than there is in the East. I don't know that there is much more danger in Colorado than in New Mexico or Montana; unless the dust might be a little more inflammable, but I think there is a little more danger connected with coal mining in Colorado than in Iowa or Kansas or Missouri.

Commissioner LENNON. What feature of danger is greater here than in Illinois or Iowa?

Mr. DALBYMPLE. Well, I think we are operating at a higher altitude and our atmosphere contains less moisture, and consequently our mines are drier than in a great many places. We have no water in the mines, and at some places they have to take it in in barrels up an incline for the mules to drink.

Commissioner LENNON. What effect has that on the extra hazardous condition of the mine?

Mr. DALBYMPLE. It has a tendency to dry out—carry the dampness out of the mines in the winter months because of the fact that the temperature of the air in the mines is higher and as the air becomes heated its capacity to carry moisture increases and as it leaves the mine it leaves a deposit of moisture.

Commissioner LENNON. You do not make clear how this high altitude affects the danger of working in the mines.

Mr. DALBYMPLE. That is what I am trying to tell.

Commissioner LENNON. What happens?

Mr. DALBYMPLE. Well, it leaves a dry condition which may be the cause of dust explosion.

Commissioner LENNON. And in Illinois, where I live, they complain of the large amount of money they have to spend trying to keep the mines dry.

Mr. DALBYMPLE. They have not got the dust to contend with which we have. Our dust in the southern field is very inflammable.

Commissioner LENNON. Do you believe the extra hazardous condition of mining in Colorado is sufficiently more than the hazardous condition of mining in Illinois or Iowa to warrant in any way, shape, or manner the great difference in the number of deaths from accidents that occur here?

Mr. DALBYMPLE. No; I don't think it is.

Commissioner LENNON. What, in your opinion, has been the principal cause of this increased amount of accidents in the mines of Colorado over the United States in general?

Mr. DALRYMPLE. Well, as I told you, we have increased our efforts and in a great many places the mine foreman has given a great deal of attention to it, but the accidents have increased. There are two reasons that I can mention why they have increased, and one is that the workmen, generally speaking, are becoming more incompetent.

Commissioner LENNON. The miner is becoming more incompetent?

Mr. DALRYMPLE. Yes, sir; and as I told you we find in a good many small mines where they have a practical mine foreman, that he is negligent in his duty. We find some of them who apparently care about nothing else than to sit and see that the coal is coming out all right; very little attention is given to the men working under them. Now, a great many accidents are caused by the falling of the roofs, and the roofs throughout the south are very treacherous, generally speaking, and this new mining law says that a system of timbering shall be made to meet the approval of the coal-mining department, and I don't think there is to-day a mine in the State where we have found the maximum distance between the timbers, and the distance between the last timber and the working face. Another section of the law says the mine foreman shall direct and see that is carried out in making his daily visits. If he visits your place this morning and he finds it is not timbered according to what he thinks is necessary, he can make you do that timbering or suffer the penalty, but he is only held responsible to the extent of the time he is making his visits. But there are so many mines that he can not spend more than two or three minutes a day in each place and consequently the individual is dependent on his own knowledge for protection 90 per cent of the time.

Commissioner LENNON. If the miners are less competent, is that not a greater reason for the enforcement of the law than if the miner is a trained, skilled miner?

Mr. DALRYMPLE. Necessarily so.

Commissioner LENNON. Now, does the new law give you the power to set aside any of its features?

Mr. DALRYMPLE. Well, we have got discretionary powers in a few instances.

Commissioner LENNON. Well, in this instance, you stated that because of lack of opportunity for examinations you have not requested the discharge of the foreman in mines even though they were not living up to the provisions of the law?

Mr. DALRYMPLE. Yes.

Commissioner LENNON. Does the new law give you that power?

Mr. DALRYMPLE. Well, the new law gives me the power of asking the employer to remove his mine foreman if it is proven that he is incompetent or negligent, but there is a provision of the law that after a certain date no man shall hold that position but a certified man; but that date has passed and no one has been given a chance to certify.

Commissioner LENNON. Is it your duty to call attention to the fact that the mines are not complying with the law?

Mr. DALRYMPLE. I don't think there has been a case where miners have been negligent where we have not reported it to the different coal operators of the State.

Commissioner LENNON. Have you insisted that they remedy any of the defects found?

Mr. DALRYMPLE. We have recommended that those defects be remedied wherever we find a dangerous condition, and that it be remedied at the earliest possible moment.

Commissioner LENNON. Do you insist on it and go the limit in insisting that it be done?

Mr. DALRYMPLE. We have gone the limit as far as our force would allow us.

Commissioner LENNON. Do you travel out along the mines of Colorado to a greater or less extent?

Mr. DALRYMPLE. Yes, sir.

Commissioner LENNON. How are the living conditions of the miners here as to housing, the conditions of schooling for their children, and those things, as compared with Iowa or Illinois?

Mr. DALRYMPLE. I could not tell; I am not in a position to make a comparative statement. I never was in Illinois.

Commissioner LENNON. How does it compare with the State of Washington or the State of Pennsylvania?

Mr. DALRYMPLE. Well, I don't know that. I haven't got any time. When I go around the mines I give all my attention to the inside of the mines and

the machinery that is operating the mines, and I have very little time for anything else. I know we have some camps that have built up in the last seven or eight years that have very good living quarters with stone or concrete buildings, while some of the older camps have a great many shacks.

Chairman WALSH. Commissioner O'Connell would like to ask some questions.

Commissioner O'CONNELL. Who were on this commission that was appointed by the legislature or the governor to draft a compensation law?

Mr. DALRYMPLE. There was John C. Osgood, president of the Victor-American Fuel Co.; Platt Rogers who, I think, was then chairman of the bar association; Senator Harvey E. Garman; Senator John F. Pierson; and myself.

Commissioner O'CONNELL. How many meetings did that commission have?

Mr. DALRYMPLE. Four or five.

Commissioner O'CONNELL. In the three or four years—

Mr. DALRYMPLE. Two years—about 20 months.

Commissioner O'CONNELL. Was there any real effort made on the part of that commission to draft a compensation law?

Mr. DALRYMPLE. Yes; I think up until the time we made our report to the legislature we had every compensation law in existence; they were sent for, and all the different laws of the different States and the different nations were sent to us and a great many features of the different laws were taken up and debated on by the commission.

Commissioner O'CONNELL. Was there an apparently unanimous opinion on the part of the members of the commission that a compensation law would be a good thing?

Mr. DALRYMPLE. Yes, sir; generally speaking, I think the commission as a whole was in favor of a compensation law that would cover all industries.

Commissioner O'CONNELL. What was the real reason why some law was not prepared in that time?

Mr. DALRYMPLE. Because there was too much work for the time allowed us. The commission was composed of men—Mr. Osgood was a man who was gone a good deal of the time on his own private business. Mr. Rogers was gone a great deal of the time and I had more than I could do without being on the commission. The result was that the question did not get the attention it was entitled to, possibly.

Commissioner O'CONNELL. Has there been any legislation introduced in the Colorado Legislature on a compensation law?

Mr. DALRYMPLE. I don't know; I understood there was a measure to be presented at the last assembly, but I don't know whether it was introduced or not.

Commissioner O'CONNELL. Was there not a bill introduced a few years ago that passed the house and that was not reported by the senate?

Mr. DALRYMPLE. I don't know; if there was, I don't remember.

Commissioner O'CONNELL. In the figures you gave, as I now recall them, as to the number of deaths per 1,000 miners in the United States, that of course included the State of Colorado—the total number—and in comparison with Colorado it would indicate that the deaths per 1,000 in Colorado were about double the average of all the States in the United States.

Mr. DALRYMPLE. That is true.

Commissioner O'CONNELL. How do you account for that great increase?

Mr. DALRYMPLE. I think it is principally due to the different conditions, and I don't see any reason, other than as I say, a poor class of workmen and probably some negligent officials.

Commissioner O'CONNELL. Does your department keep track of the number of accidents in the mines?

Mr. DALRYMPLE. It does.

Commissioner O'CONNELL. What, for instance, was the number of accidents in the mines for the latest year you have—the number per 1,000 men?

Mr. DALRYMPLE. We had 110 fatal accidents in and around mines; in 1913 we killed 104 men.

Commissioner O'CONNELL. I am speaking of accidents.

Mr. DALRYMPLE. In 1913 we had 354 nonfatal accidents that incapacitated the injured persons for five days or more; that is the report. We get those reports from the operators every month with their production and the number of days worked and the number of men employed, etc., together with the number of nonfatal accidents. We had 354 nonfatal accidents for the year 1913, which was quite an increase over the year previous, but I believe the increase was due to a great extent to the fact that they were compelled to report all accidents that

incapacitated the injured person for five days or more, while they were not previous to that time.

Commissioner O'CONNELL. Is your department authorized under the law to bring prosecutions?

Mr. DALRYMPLE. Yes, sir.

Commissioner O'CONNELL. Have you brought any prosecutions during the past year?

Mr. DALRYMPLE. Yes, sir.

Commissioner O'CONNELL. What number?

Mr. DALRYMPLE. Well, I couldn't tell you. We had four cases in Greeley. We have had four or five cases in the south.

Commissioner O'CONNELL. What was the result of this prosecution?

Mr. DALRYMPLE. Well, in Greeley we had four operators arrested for violations of the law, and they were found guilty.

Commissioner O'CONNELL. What was done in their cases?

Mr. DALRYMPLE. Fined. They were fined—in other words, they got off by paying the costs.

Commissioner O'CONNELL. Sort of a Scotch verdict?

Mr. DALRYMPLE. We interceded for leniency—I did, and the deputy inspector of the district did.

Commissioner O'CONNELL. You prosecuted them and then intervened for leniency in their cases?

Mr. DALRYMPLE. Yes, sir.

Commissioner O'CONNELL. For why?

Mr. DALRYMPLE. Because we thought that the small fine would be just as effective as a large one. All that we wanted was to show the other operators in that district that if they did not comply with the law they could be prosecuted.

Commissioner O'CONNELL. Is there any particular district in which these prosecutions have taken place more than in any other district?

Mr. DALRYMPLE. Well, we had four in the northern district, and I think we had three or four in the southern field, Trinidad and Walsenburg.

Commissioner O'CONNELL. Are they small operators or large?

Mr. DALRYMPLE. One of the operators was a very small fellow and another was one of the mine foremen working for the Colorado Fuel & Iron Co., and four or five miners arrested for violation of the law.

Commissioner O'CONNELL. Did you hear Mr. Osgood's testimony yesterday?

Mr. DALRYMPLE. I did not.

Commissioner O'CONNELL. On the matter of dealing with men collectively or individually, his position was he did not care to deal with them collectively.

Mr. DALRYMPLE. I didn't hear his testimony.

Commissioner O'CONNELL. That if a man comes he takes the job or leaves it—

Mr. DALRYMPLE. I did not—

Commissioner O'CONNELL. That the job was there, and he could either take it or leave it under the conditions he found.

Mr. DALRYMPLE. Yes.

Commissioner O'CONNELL. What is your opinion as to what would get the better results from the men collectively dealing with their employers with a view to bring about improved conditions of employment, bring about a lesser number of accidents, as a result of collective understanding, as against individual dealing; that is, the individual leaving the job or taking it under the conditions he finds?

Mr. DALRYMPLE. Well, I think wherever there is collective bargaining it shows the two sides are closer together than where there is no collective bargaining. As I said some time ago, I think in order to minimize accidents it is necessary to have cooperation with everybody interested.

Commissioner O'CONNELL. Do you think it is possible for an individual man, a miner, to bring about an increase in his wage rate, or whatever the rate is per ton, individually?

Mr. DALRYMPLE. No, sir.

Commissioner O'CONNELL. Do you think it is possible for him to do that?

Mr. DALRYMPLE. No, sir.

Commissioner O'CONNELL. Do you think it is possible for him to bring about a reduction of working hours individually?

Mr. DALRYMPLE. No, sir.

Commissioner O'CONNELL. Do you think it is possible for him to bring about improved working conditions individually?

Mr. DALRYMPLE. No, sir.

Commissioner O'CONNELL. How must he go about to do it?

Mr. DALRYMPLE. He must combine with his fellow men.

Commissioner O'CONNELL. Then, if he does not do that, he is apparently at the mercy of his employer; if he be good, well and good. If he be bad, he suffers accordingly.

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. Commissioner Garretson wishes to ask you a question.

Commissioner GARRETSON. Mr. Dalrymple, where an accident occurs in a mine, and the responsibility is seemingly placed upon the management of the mine, is it within the province of your department to prosecute?

Mr. DALRYMPLE. No, sir.

Commissioner GARRETSON. It is not?

Mr. DALRYMPLE. No, sir. At least, we have never considered it so. We investigate all fatal accidents, and if we think from the evidence given and from personal observation that the company is responsible for that accident we state so in our report on the accident.

Commissioner GARRETSON. Do you make any prosecutions?

Mr. DALRYMPLE. No, sir.

Commissioner GARRETSON. Nor is it considered that it is within the province of your department to do it?

Mr. DALRYMPLE. No, sir.

Commissioner GARRETSON. Does the law place within the hands of any State authority positive instructions in regard to such prosecutions?

Mr. DALRYMPLE. For those accidents?

Commissioner GARRETSON. Yes.

Mr. DALRYMPLE. I don't know; I am not aware of it.

Commissioner GARRETSON. Were you here yesterday?

Mr. DALRYMPLE. I was in the building. I was up here two or three times—twice—about five minutes each time.

Commissioner GARRETSON. Testimony was given here to the effect that a large portion of the accidents which occurred in a mine was due to the recklessness or negligence, or, I think the exact language was, to the taking of chances by the individual miner. Does your experience indicate that any greater burden in this direction rests upon the men as an average than does upon the management?

Mr. DALRYMPLE. Well, wherever there is negligence, wherever I find a man that I think is reasonably competent of taking care of himself, wherever I find that the timbers are not up, as I stated some time ago, to agree with our contract, or our agreements with the companies—if I find a man is negligent in timbering—to make the thing clear, the mine foreman is supposed to visit each place in the mine every day. He may visit you at 9 o'clock to-day and may not visit you again until to-morrow afternoon at 3 o'clock. Now, if a man is reasonably capable of taking care of himself, if he understands what is said and knows the law and that the mine foreman is held responsible for the conditions at the mine and the lives of those employed, when he understands these things he should, without being asked by the mine foreman, keep those timbers up as agreed upon, and if he thinks there is some abnormal condition he ought to space them closer.

Commissioner GARRETSON. Isn't the negligence of the individual employee, if condoned by the company official, does not that transfer the charge of negligence to the management and make them particeps criminis?

Mr. DALRYMPLE. Wherever I think the man is competent I say yes, but where a man is not capable of understanding what has been said to him or he is not reasonably competent as a miner I say no. I say that nobody should be allowed to go in a mine and work by himself or work with another incompetent person unless he is reasonably competent.

Commissioner GARRETSON. And only the company could bar the utterly incompetent from the mine—

Mr. DALRYMPLE. Sir?

Commissioner GARRETSON. Only the company could bar it. Is that not true?

Mr. DALRYMPLE. I don't understand you.

Commissioner GARRETSON. Why, one can not bar another, who may be an incompetent miner, from working by the side of him on account of the risk?

Mr. DALRYMPLE. No.

Commissioner GARRETSON. Only the foreman can do it?

Mr. DALRYMPLE. That is all.

Commissioner GARRETSON. Therefore the responsibility for the incompetent men rests upon the company through its foreman?

Mr. DALRYMPLE. Well, our law says that he is held responsible to see that this timbering agreement is carried out, but he is not held responsible for the time between his visit at 9 o'clock this morning and 3 o'clock to-morrow afternoon. I say the man is held responsible for his own protection for the time from 9 o'clock this morning until 3 o'clock to-morrow afternoon. If the man is responsible, I don't think the mine is responsible. If the man is not competent, I think he has no business there. I think the State is responsible.

Commissioner GARRETSON. Then you don't hold the company responsible?

Mr. DALRYMPLE. No; not the company, but the department—

Commissioner GARRETSON. Who is responsible if the man is not and the company is not?

Mr. DALRYMPLE. Why, the State is responsible for allowing such conditions to exist. [Laughter.]

Chairman WALSH. Please be in order, ladies and gentlemen. There should be no outward demonstration.

Commissioner GARRETSON. Under your system of payment, if the production is low enough your department would be absolutely crippled?

Mr. DALRYMPLE. Sir?

Commissioner GARRETSON. Under the system of raising funds for the support of your department, if the production was low enough—the pay of your department is based on production?

Mr. DALRYMPLE. Yes, sir; and if the production stops the pay stops.

Commissioner GARRETSON. And if the production is low enough your department can be absolutely paralyzed?

Mr. DALRYMPLE. If there is no production, there is no pay.

Commissioner GARRETSON. No production; no department?

Mr. DALRYMPLE. That is so.

Commissioner GARRETSON. That being the case, isn't it devised on a system such that when it is most necessary it is unavailable—the inspection and the department? In other words, when there is only a limited number of men, and those largely inexperienced, if that condition continued long enough it would do away with inspection altogether at the time when it was most necessary?

Mr. DALRYMPLE. Well, yes. The poorer the efficiency of the individual, why, they need just that much more inspection. They need better supervision.

Commissioner GARRETSON. What has been the attitude of the mining corporations of the State toward the enactment of what is sometimes classed as humanitarian legislation—safety and sanitation, and so on?

Mr. DALRYMPLE. And—well, you mean the laws?

Commissioner GARRETSON. Have they advocated the passage of such laws or have they objected?

Mr. DALRYMPLE. Well, I don't think I know of any of them advocating them.

Commissioner GARRETSON. That is all.

Chairman WALSH. One moment, Mr. Dalrymple. Commissioner Weinstock has another question he wants to ask.

Commissioner WEINSTOCK. In your statement, Mr. Dalrymple, among other things, you called attention to the fact that the accidents were steadily increasing?

Mr. DALRYMPLE. Yes, sir—that is, up until the first of the present year. There has been a steady increase up until the first of the present year.

Commissioner WEINSTOCK. Up until the first of the present year. Well, what has led to the decrease?

Mr. DALRYMPLE. Since that time?

Commissioner WEINSTOCK. Yes.

Mr. DALRYMPLE. I am not going to say that there has been a decrease.

Commissioner WEINSTOCK. There has been no decrease?

Mr. DALRYMPLE. I am not going to say there has. I can not say that there has been a decrease, nor can I say there has been an increase.

Commissioner WEINSTOCK. I see. You haven't the reports?

Mr. DALRYMPLE. Well, we have reports up to the 1st of November.

Commissioner WEINSTOCK. How long has your department been in existence?

Mr. DALRYMPLE. You mean the State coal mining inspector's department?

Commissioner WEINSTOCK. Yes.

Mr. DALRYMPLE. I think since 1883.

Commissioner WEINSTOCK. Well, I take it you, in common with the rest of us, believe that the test of the value of a service is the net results. Now, if, despite the existence of your department, accidents have been steadily increasing——

Mr. DALRYMPLE (interrupting). Yes.

Commissioner WEINSTOCK (continuing). Of what practical value is your department?

Mr. DALRYMPLE. Well, the increase might have been double what it is if the department had not been there.

Commissioner WEINSTOCK. That is just simply an assumption.

Mr. DALRYMPLE. Yes; that is an assumption.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. I just have a question or two to ask you. Is it true that in a number of the mines in southern Colorado many of the provisions of the 1913 law were in force from one to three years before the passage of that law?

Mr. DALRYMPLE. Yes, sir.

Chairman WALSH. What were they, please?

Mr. DALRYMPLE. Well, now, I couldn't enumerate them, but a good many things contained in this law were in practical use——

Chairman WALSH. Well, can't you enumerate one of them?

Mr. DALRYMPLE. Oh, yes, I could enumerate one. I could mention radiators.

Chairman WALSH. Anything else?

Commissioner DALRYMPLE. And in some cases, mine ways whereby the man was not required to travel haulage ways in going or coming.

Chairman WALSH. Any others?

Mr. DALRYMPLE. Well, yes, several others; but I could not mention them on the impulse of the moment.

Chairman WALSH. Have or have not the operators in the southern fields been diligent in the enforcement of the law since its passage?

Mr. DALRYMPLE. A good many of them.

Chairman WALSH. What of them have not?

Mr. DALRYMPLE. Well, as I told you before, 85 per cent of our trouble is with the little fellows, and they are the ones that are squealing all the time and think they are being unduly prosecuted and everything of that kind.

Chairman WALSH. That is all, Mr. Dalrymple.

Mr. DALRYMPLE. You people wanted me to give you some data. Would it be possible to give me a memorandum of what you want?

Chairman WALSH. Very good. We will have the clerk give you a memorandum.

Senator Patterson.

TESTIMONY OF HON. THOMAS M. PATTERSON.

Chairman WALSH. Please state your name, Senator.

Senator PATTERSON. Thomas M. Patterson.

Chairman WALSH. What is your profession, please?

Senator PATTERSON. I am not following any now. I have been a practicing lawyer.

Chairman WALSH. You have been an attorney at law by profession?

Senator PATTERSON. Yes, sir.

Chairman WALSH. And the publisher of newspapers?

Senator PATTERSON. Yes, sir—a journalist?

Chairman WALSH. And a member of the Senate of the United States?

Senator PATTERSON. Yes, sir.

Chairman WALSH. Have you had anything to do with the coal industry of Colorado?

Senator PATTERSON. Yes.

Chairman WALSH. In what way?

Senator PATTERSON. I have been a part owner in one small mine for quite a number of years, and for the last 10 years, perhaps, a part owner in two small mines.

Chairman WALSH. How long have you lived in Colorado, Senator?

Senator PATTERSON. Forty-two years; came here in 1872.

Chairman WALSH. I wish you would state your experience, both as a citizen and as a public officer, in the industrial troubles in Colorado, giving a historical sketch going back as far as your first-hand experience will bring you, and coming down to date.

Senator PATTERSON. I have had some controversy as a newspaper publisher with the different labor organizations that as a publisher I was required to deal with. As a citizen and an onlooker and naturally feeling an interest in such subjects, I gave a good deal of attention at a very early day to the labor troubles in the State that were of some magnitude. I recollect in the early eighties there was a very considerable labor trouble in Leadville between the miners and the mine owners. Later a trouble of great magnitude in Cripple Creek between the miners and the mine owners. There have been smaller industrial troubles here in Denver which did not extend beyond the limits of the city, but which for a time were very acute in Denver and created a great deal of feeling, and, so far as agitation was concerned, a great deal of trouble. In several of the cases, notably in the first Leadville trouble, to which I have referred, and later in the Cripple Creek trouble, what is called the Cripple Creek strike, and, again, in the strike in the coal fields that commenced about four years and a half ago—and is yet on—in the northern fields—to these I gave very considerable attention, simply the attention that an interested citizen will give to such occurrences—such an interest as one who is engaged in public life will give to troubles of that character. Following the Cripple Creek strike, I acted as an attorney for a number of men who were prosecuted for troubles connected with that strike; and the result of it was that I obtained more information perhaps than the ordinary citizen who has but little time to give to matters of this character, and who depends upon others to look after the welfare of the State. I would rather you would propound questions directly.

Chairman WALSH. Very good. What were the general characteristics, as you might say, of the Leadville trouble, whether or not the militia were called out?

Senator PATTERSON. Yes, sir. The militia was called out at the Leadville trouble; but the trouble was soon accommodated, the militia were out for but a short time. It was while Gov. Pitkin was governor of the State. Perhaps a week or two covered the entire period during which the militia were in the field, at the end of which time or before the troubles were accommodated between the workers and the mine owners.

Chairman WALSH. Do you recall the general nature of that trouble at Leadville? Was there a demand made upon the part of any organization, do you know?

Senator PATTERSON. My mind is not very clear about that, but I am inclined to think, my memory serves me in that respect, it was a controversy between the mining organization and the operators, and that it was over a matter of compensation more than anything else.

Chairman WALSH. Now, coming down, we will say, Senator, to 1904; were you reasonably familiar with the troubles that occurred at that time?

Senator PATTERSON. Do you refer to the Cripple Creek troubles?

Chairman WALSH. Yes; the strike of 1904.

Senator PATTERSON. Yes, sir. I took a great deal of interest in that trouble. As a journalist I was compelled to take notice of it; I felt that it was my duty to inform myself, as best I could, as to the controversy and as to the course of procedure, both by the striking miners and the mine operators.

Chairman WALSH. I wish you would give us the general characteristics of that trouble, please.

Senator PATTERSON. It was a general strike in the Cripple Creek district, I think, that practically all miners that worked in the district were members of the Western Federation of Miners, and following demands for increase of wages, which were not granted, the miners went out on a strike. Almost immediately after, some violence had happened, State troops were sent up to the district.

Chairman WALSH. Who was governor at that time?

Senator PATTERSON. Gov. Peabody, I think. And as is the case in such struggles, both sides acted with a great deal of firmness and resolution. There was violence, the destruction of property, men were killed, and there was an attitude upon the part of the mine owners of unyielding determination not to submit to the demands made by the miners, and ultimately to make no settlement whatever, but to get rid of the miners and get rid of the Western Federation of Miners. Militia went there, and they took complete command of the field. They established local prisons, familiarly denominated "bull pens." Raids were made at stated intervals by detachments of the troops; men arrested in large numbers and brought and imprisoned in those "bull pens." It naturally resulted in intense feeling and a disposition at retaliation by the men who were arrested and confined. For a long time it might truly be said

a "reign of terror" existed in the Cripple Creek district. The attitude of the military, during that time, might be well illustrated by an incident in my own experience. I went up to Cripple Creek partly for the purpose of getting an interview with the mine owners' association committee which directed and carried on the mine owners' and operators' side of the strike. I discovered in that case that so far as the militia was concerned, the governor himself had practically abandoned all interference with their operations. The unqualified control and direction of the troops were surrendered to Gen. Chase, the present adjutant general of the State.

The committee of the mine owners' association were really in command of the district. I am quite convinced I had every reason to believe at that time, and do so yet, that the mine owners' association, through the committee, really directed the operations of the troops; and their wishes were carried into effect by the commanding general. I had every reason to believe that with some slight modifications of the rigor of the military rule that the whole strike would be speedily settled; and I visited Leadville for the purpose of holding an interview with the mine owners' committee to see if I could not bring that about. I realized—

Chairman WALSH. Cripple Creek?

Senator PATTERSON. Cripple Creek? I realized that if the mine owners' committee would agree to modifications of the rigor of the military rule that the troubles could be ended, and I was very anxious to see that they were ended. There had been habeas corpus proceedings in the cases of two or three of the men who had been arrested and confined in the "bull pens" by the militia. Mr. Seeds was district judge. He was to render his decision that morning. I left the hotel, which was just one block removed from the block in which the court was being held—it was in a private building; they had no public courthouse at that time; the members of the militia were stationed on the roof of the hotel, on guard, watchful for an outbreak, as they believed, or as they professed to believe. At the intersection of two streets just a half block from the court room there was a cannon, just what character I do not know, stationed with five or six militia about it. I suppose it was the gun squad ready to take action. I crossed the street to the block in which the court room was, and as I stepped on the sidewalk a soldier drew his gun down and I was right in contact with the bayonet, when an officer rushed up and told him to allow me to pass. I went down to the other—that is, about 10 o'clock in the morning, between 9 and 10 o'clock in the morning—I went down to another street crossing, and there I had the same reception, a bayonet in my breast and an officer coming up and giving directions to allow me to pass.

I started to go up the stairs to the room in which the court was being held, and again I was met the same way—with the bayonet of a soldier—but I was allowed to pass. The decision to be rendered—I did not know, of course, what it was—but I was very anxious to know, and I went to the court room. In the court room I found the inside of the railing that divides the court room into what is called the bar proper and the audience part lined with soldiers, seated, extending from one side of the room to the other, just leaving the gate through which the attorneys entered open. I went in and sat down. The judge's chamber was in a room in the rear of the court room and there was a door from his chamber into the court room. Suddenly, Gen. Chase arose and gave the command, in a military way, "Attention!" and immediately the entire row of soldiers arose. The command was given, "Present, arms!" I then discovered that the judge had emerged from his chambers and was walking toward the bar to take his seat upon the bench. As he entered within the bar the command was given, "Present, arms!" The soldiers presented arms as the judge walked through the bar to take his place on the bench. Then the command was given, "Order, arms!" or something of that kind, and the soldiers were seated, and the judge proceeded to deliver his opinion. At the close of his opinion he ordered the release of the arrested men, when immediately Gen. Chase rose, marched to in front of the judge, and in a very respectful but in a very firm way informed the judge that he was sorry to say that, observing the commands of his superior officer, the governor, that he must decline to comply with the request of the court; and he ordered the guard that was inside the bar to continue their arrest of the men and to take them out as prisoners. The wife of one of the men fainted and there was quite a little scene, a good deal of commotion, and that ended that incident.

I simply refer to that as a matter that fell under my own observation, that you may understand how completely the militia were in control of and ruling

the camp. There was no pretense whatever that the court might not be safely held; there was no pretense that the orders of the court, except at the hands of the militia, would not be obeyed; no pretense that the grand jury might not be empaneled.

Chairman WALSH. How long did that strike last, Senator?

Senator PATTERSON. Oh, it must have been three or four months, if not longer. I know it was one continuous——

Chairman WALSH. The result of it was what?

Senator PATTERSON. The result of it was that the militia—I do not know who gave the orders, nor do I know who was quite responsible for it—suddenly rounded up the miners of the camp—some three or four or five hundred of those who were accessible—loaded them on two trains. One train was taken to Kansas and the other down in New Mexico, and the men unloaded in Kansas and New Mexico. I do not know that they were unloaded at any town or at any station. As to this, I have the newspaper statements of the occurrences, and they were warned to keep away from the State. That is the way it ended.

Chairman WALSH. Senator, will you please give the commission, in your own way, a statement of the causes leading up to the present strike?

Senator PATTERSON. Well, as I have them in my mind—I simply know of them as they have come to me and as I have concluded they were from observation. I think that up—well, when you speak of the present strike, Mr. Chairman, the present strike did not commence last September or October a year ago; it commenced four and one-half years ago. The strike in the mines in the southern field occurred a year and a half ago; but to me it seems that it was but a continuation of the strike that commenced in the northern fields four and one-half years ago. My impression is that the demands that were made by the miners through their representatives were those of compensation or wages. Two or three of the large mining companies, particularly the company of which the Rocky Mountain Fuel Co. is the successor—I do not just recall its name—made up their mind to resist the demands of the miners and immediately took steps to protect their property, surrounding them with high wire fences, and, I suppose, employing guards, and otherwise presenting a very firm front to the mine union. There was considerable violence and some shooting; perhaps there may have been one or two deaths, but the governor managed to get along in the strike in the northern field without calling out the troops.

Chairman WALSH. Who was the governor?

Senator PATTERSON. Gov. Shafroth. There was in Boulder County, which was the principal scene of the strike, a sheriff that, in my opinion, was of splendid capacity and good judgment and courage, who did not hesitate to make arrest, to visit the camps or the mines and warn the miners, and otherwise performed the duties to the best of his ability as a peace officer. And I felt that while great pressure was brought to bear upon Gov. Shafroth to call out the troops—the demand by the operators was strong and insistent—that he pursued the wiser course, and following his own head and his own judgment—he did pursue the wiser course in refusing to call out the militia. The courts of Boulder County were open; the county officials were willing to perform their duties; and there was not much more violence there than you would naturally find where a large number of men bent on a common purpose that was resisted by those from whom the grant of what they wanted had to come.

Gov. Shafroth, I know, felt that to put the militia in the field would but accentuate the troubles and extend the disturbances, and that the wiser and the safer and the better course was to let the strike wear itself out, or to have the parties to either side of it bring about some accommodations. The result of it all was that after a number of arrests the commencement of some prosecutions, and the firm front presented by the mine operators, the violence gradually and substantially subsided.

A strike at best is an act of violence. A strike is instituted, as I understand it, as a coercive measure to compel, it may be by loss of or injury to business, or by interference with industry, the success of which depends upon uninterrupted running—by these means to coerce the operator or employer into submission to the demands of the strikers, or to bring about conferences that may ultimately result in accommodations of the troubles, and it is not a very long step between a strike inaugurated for that purpose and actual violence.

Mr. Koontz and Mr. Sheedy, two of my acquaintances and friends, men of wealth, were—Mr. Koontz was the president of the Colorado National Bank; he was largely interested in the mines in the northern field that resisted the

demands of the strikers. Mr. Sheedy was a stockholder in the bank—a large stockholder—and the principal owner of a large department store, the Denver Dry Goods Co. As a part of the plan of campaign during its progress, boycotts were declared against Mr. Koontz, his bank, and against the Denver Dry Goods Co., things that are recognized by the law, perhaps, but I think are barbarous and coercive. And thus it went.

I am quite convinced that, say within six months of the commencement of that strike, both the miners and the operators in the southern field commenced preparation for the extension of the strike in the northern field. The unions felt that with that field unmolested, the operators felt that by reason of their close associations with the large companies in the south, that the miners should attempt to extend the strike to the southern field, and the operators made up their minds that they should do everything in their power to resist and prevent it. I have not any question but that upon the part of the unions they did their best to install union men in these mines; and I have no doubt but that just as soon as those in charge of the working of those mines discovered that there was a union man there he was discharged, not giving as the reason that he was a union man; but for some other reason they were gotten rid of. And the operators down in the south felt that they had the situation well in hand by the continuation of obstruction to employment of union miners, and the elimination of them as rapidly as they were discovered, that the unions could not get a sufficient foothold there to control the body of miners at work. It was a sort of armed neutrality, if I may use that term, for a couple of years—the union endeavoring to get a foothold in the southern mines, the operators foiling that effort.

The men who went out on a strike in the northern fields were on what is called the strike-benefit list or something of that kind, the national organization giving certain compensation to the men who are on the strike, so much per man, so much for a wife, so much for each child—very expensive. And I imagine that the national organization finally concluded that they must include the southern field in the strike, and so proceeded along that line. For several months before the strike in the south was actually brought on, I think they were unusually active, and they succeeded in installing a larger number of union men than they had previously been able to do, so that it was estimated. I think, that they had 20 or 25 per cent of the employees members of the union. I know that the operators felt that whenever the miners or whenever the union men had 20 or 25 per cent of the men that the danger line had been reached. It was their effort to keep down that number. I knew for some time that the strike was going to be called. I recall very well Mr. White, Mr. Hayes, I think it was, were in the city, and they called up at the News office, of which paper I was then the publisher, and, without saying so, I gathered that their visit to Denver was in connection with the strike. I had a talk with both of them, either one or both, I can not state which, I simply know that the conversation occurred, and occurred in my office, and either one or both were present, and I sincerely hoped that the strike would not be called. I called their attention to the fact that Denver had been suffering for a long period of time from depressed business, and that the merchants and business men generally were suffering from business conditions, and that a move at that time toward a strike would be very unpopular and bring down very generally condemnation by the business part of the State upon those who were responsible for the strike. Little was said in reply, neither affirmance nor denial that the strike was going to come. But I realized I had not had much effect. Ultimately there was a convention called in the south; the miners had brought Mother Jones into the State, and we can not shut our eyes to the fact that she was here for a purpose, hoping that through appeals, the arousing of sympathy, graphic portrayals of the alleged wrongs under which the labor people generally were suffering, to bring recruits to the union miners who were then in the employ of the company, and by such methods to obtain the numbers that were necessary to call on the strike. It was called.

Those were the general features that attracted my attention during the preliminary days of the strike.

Chairman WALSH. Well, coming down to the time of the strike and immediately prior thereto, did you take part in any efforts to procure a settlement, or to avert the difficulty?

Senator PATTERSON. Yes, sir.

Chairman WALSH. Please detail them.

Senator PATTERSON. Troubles commenced almost immediately on the calling out of the men. The mine operators were fixed in their determination not to yield to the demands of the miners. That was very evident. The result of it was they brought in, or perhaps employed at different points in the State, guards. I am told they got a number of men from Denver, and through the agency of one of the great companies—detective companies—that had been operating for mine operators down in the West Virginia field—they brought in what they were pleased to term "mine guards;" what the strikers called "gunmen;" men, I suppose of recognized courage and intrepidity and fearlessness in handling bodies of men who were striking. They signaled their advent into the field down at Trinidad, I think the very day of the arrival of the first group, by one of them shooting and killing a striking miner on the streets of Trinidad. The impression that I gathered was that there was little or no provocation for that act. However, the striking miners immediately denounced it as a cold-blooded and unwarranted murder. The operators and their agencies immediately undertook either its defense or palliation, and I think that incident did more to develop immediate bitterness and ill will and a disposition to retaliate than anything else that occurred for quite a time after the strike was announced.

Sufficient to say that a great deal of violence was immediately developed in the south, the miners tracing it all to the provocation offered by the gunmen; the operators, and those who represented them, charging it all upon the malice and ill will and the desperate character of those who went out on the strike, claiming that the national representatives and the State representative of the unions were responsible for the trouble. Of course there came emphatic and unqualified denials of such things from the other side. Trains were interfered with; small bridges and culverts were burned. It is unnecessary to go into the details of that kind. All I know is that that was the general state of affairs in the south when, perhaps three or four weeks after the strike had been on, Gov. Ammons came to me at my office and told me that he was compelled to call out the troops, and he was going to call them out. "But before I call them out," he said, "Senator, I am going to make another strong and great effort to bring about a settlement, an amicable settlement, and I want you to help me." The suggestion was that by reason of my supposed relations with laboring men generally, and my attitude toward them, I would be influential with the labor people in bringing about a settlement. I told him that as a matter of course I would be very glad to give him any assistance I could, and that he could command me. He requested that I should stop in at the statehouse the next morning, as I was going to my office from my home, and that we would talk the matter over. And I did. And I want to say that that was the first occasion upon which, in connection with the strike, Gov. Ammons had asked my counsel or advice or assistance, and was the first time I tendered it, and it was at his request. The next morning I stopped in at the statehouse.

Do you adjourn at 12 o'clock?

Chairman WALSH. No, sir; we will run until 12.30 and then adjourn until 2.

Senator PATTERSON. I will have to be excused for a little while.

Chairman WALSH. Very good. I will put on another witness and then you can resume.

Senator PATTERSON. Just three or four minutes, or five, is all.

Chairman WALSH. That is all right. We will take a recess for five minutes.

(At 11.58 a. m. a recess was taken until 12.02 p. m.)

AFTER RECESS.

Chairman WALSH. The commission will please be in order now. Please be seated, ladies and gentlemen.

You may proceed now, Senator.

Senator PATTERSON. As I was stepping out I was stopped by Mother Jones, whom I discover is here, and she stated, "I was not brought here by the miners; I came here of my own volition, because I wanted to." I simply want to make that statement because Mother Jones made it to me. In other words, she releases the unions from whatever there may be in the statement that she was brought here. I did not mean that literally, because I did not know; I simply know she was here; she was down at the meetings to which I refer.

Resuming where I left off. Gov. Ammons and I that morning held a consultation, and very early, perhaps on that visit, I found that Mr. White, Mr. Hayes of the national organization, Mr. Lawson the president of the State organization of the miners, and, perhaps, Mr. McLennan, although I am not certain about that, were in one of the governor's rooms, and the governor and I went into the room where they were. They were told briefly what we were going to do to try to bring about a peaceable settlement of the strike. They expressed a very great desire that it should be done, and that, so far as they were concerned, they would do everything in their power to have it settled, and that they would make every reasonable concession that could be asked of them to have it settled. And shortly afterwards the governor called up the mine operators and told them that he would like to see them. They told him they would come up immediately, and they came, as I recall it now, Mr. Osgood, Mr. Welborn, and Mr. Brown. The governor told them that he was very, very anxious to bring about a settlement and that he had requested me to help him in bringing it about and he wanted to know what could be done. Of course, it is impossible for me to give consecutively what was said by the one or the other. I can only give the general nature of the conversation with some of the details. We told the operators of the talk we had had with the representatives of the union, and that they were willing and very anxious to have the matter settled. The operators said they were also anxious to have it settled, but they soon gave us to understand that they would not meet with the miners—I mean with White, Hayes, and Lawson. They said, "We are willing to talk with the men themselves, any man whom the men will select from among the workers—the miners, we are willing to confer with them—but we will not have any conference with Mr. White, Mr. Hayes, or Mr. Lawson." We had several conferences, one, perhaps, again that afternoon, and then the next day—all to the same effect.

Between two of these interviews with the operators' committee, we understanding that Messrs. Osgood, Welborn, and Brown represented the body of the operators, we had a talk with Mr. White, Mr. Hayes, and Mr. Lawson, and possibly Mr. McLennan, in which, in substance we told them that there had to be some concrete proposition made; we told them of the attitude of the operators and that, unless they could give us an opening to proceed with the efforts, they would have to stop, and finally, Mr. White—I think it was Mr. White, it was either Mr. White or Mr. Lawson, I am quite certain it was Mr. White—made this statement, addressed to the governor and myself: He said, "We have this to say: That if the operators will but grant us a conference we know that this strike will be settled. All we want to do is to have a conference with these men so that we can understand each other, and if they will but grant us a conference we know that this strike will be settled." I said to them: "Gentlemen, do you understand the import of your language? You know that the operators will not recognize the union. It is generally understood that you will insist upon recognition of the union as a sine qua non of a settlement. Now, the fair inference from your language is that you are willing to reach a settlement upon some other basis than the recognition of the union." Mr. White replied: "Whatever the import of our language is, I reiterate that if the operators will confer with us we know there will be a settlement." Gov. Ammons and I felt that in view of that statement there was some hope, and we called up the operators very promptly and they shortly came. The same gentlemen met us and I put the matter before them. I said: "Gentlemen, I believe that a settlement can be reached. These men say that if you will but grant them a conference they know that the strike will be settled. Now, that must mean that they will surrender their demand for the recognition of the union, and, I think, you ought to grant them a conference. They are right out here in the adjoining room—there was but a brick wall separating the operators, the governor, myself, and the representatives of the miners." They said: "No; we will not hold any conference with them." And they indulged in some very, very bitter language in talking—referring to these men. They said they were merely interlopers, they were intermeddlers, they had no business here, they did not live in this State, and then some bitter names were applied to them that placed the responsibility for the violence that had occurred in the south upon their shoulders, and for that reason they would not meet them. I said: "Gentlemen I don't think that you have a right to regard them as interlopers or intermeddlers; they are the officers of the national union of which the local unions are a part; it is their duty and their right to visit the different unions of the national organization in the

different States wherever they may be; it is their duty and their right to give advice and to ask for information, and if the striking miners wish them to help them it is their duty to help them. They can't be stigmatized under those circumstances as interlopers or intermeddlers, and I do not think that your objections are well taken." "Well," they said, "to confer with them would be recognition of the union—practical recognition." I said: "That is foolish, gentlemen. A conference with them simply gives you the opportunity of learning whether you can meet upon common ground or not. If you find you can't, that ends the matter, and you are just as far from the recognition of the union then as you are now. These men have a right to be represented in conference by men of their own selection, and it requires men of experience and knowledge to meet such gentlemen as you and properly represent the men." One of the gentlemen remarked: "If they were to come into this room now we would go out. We won't be in the same room with them."

I protested, and so did the governor, tried to reason the matter, but upon that one proposition they were absolutely fixed and unrelenting, they would not meet nor they would not confer with the men. I want to say right now that I believe, as I believe and know I am sitting here, that if they had but granted a conference that they would have reached a settlement of the strike, no matter to what extent the representatives of the unions had to withdraw their claims. And to my mind the violence and whatever else has followed the continuation of the strike rests right there—the absolute refusal upon the part of the operators to even meet with the men. I then suggested a subterfuge to try and bring the operators and the men together in this way: I said, "Gentlemen, suppose Gov. Ammons will write you a letter in which what we believe to be the crux of the situation will be set forth and the essential matters upon which the miners are to be given assurances, and that in conjunction with that we prepare what will be an answer from you to Gov. Ammons, using Gov. Ammons, as it were, as the stalking horse," although I did not use that term, "by which the views of each will be indicated to the other. Let us see if we can not reach it that way. Now," I suggested, "we will prepare that communication and prepare the letter from the governor and prepare the answer that we think should be written by you and we will submit them to you for such amendments as you will propose; and when the contents of these letters are agreed upon, then they will be signed, the one by the governor to you, and the agreed letter will be signed by you to the governor. Let us see if we can not reach an understanding that way?" We agreed that there would be nothing in these letters that referred to a recognition of the union. They said, "Very well; we will consider that correspondence if you will prepare it."

As soon as they left we called in, I think it was, the governor's stenographer. I am quite certain we used his stenographer. And we dictated what was to be the letter from the governor to the operators in which he set forth in much detail, calling attention to the particular sections of the statute that the striking miners claimed they were interested in having observed and enforced. And then with reference to the men who were out on the strike this suggestion was made in this letter from the governor: "You will name the men that you will not take back into your employment." We had some little conversation about that before we separated—that feature. They talked about the amount of violence that had occurred and property destroyed and things of that kind. I suggested that it could not be satisfactory to simply say—that is, in this correspondence—and it would not have its effect that we hoped it would have simply to let the proposition be that the operators should exclude anybody from their employment to whom they objected and whom they merely suspicioned. We thought it would be a good idea that they should simply name the striking miners that they objected to taking back into their employment, and that feature was incorporated into the letter that was to be written by Gov. Ammons. We then prepared what was to be the reply to that letter, in which a statement was made as to the objection or the claim by the miners as to checkweighmen, and the necessity for it, and that it was not granted, something like this: "That as to the matter of checkweighmen we agree, if the strike is ended, that the men shall have the right to employ their own checkweighmen; with reference to trading at company's store, we agree, if the strike is ended, that no employee shall be required to trade at the company store. With reference to company scrip, we agree that so far as that grievance is concerned, we will not require or ask the men to receive pay in company's scrip." And so we went on with a list of grievances, and every one of them

was covered by a section of our statutes or sections in our State's legislation intended to afford protection to the men.

Gov. Ammons, when the letter was prepared, was very much delighted with it—very much pleased with it. It was plain and simple, and that correspondence they either sent and got, or we sent it to the operators, with the request that we might hear from them as soon as possible. I don't think we heard from them until the next morning, and then they sent back the letter that was to be signed by the governor and their substituted answer. I read the answer, and the governor, or at least I, was quite satisfied that that did not fill the bill. The answer was along this line: It went on and named the different provisions of the law that we had in mind and to which we referred in the Ammons letter, and was a general statement that they would observe the law, eliminating every statement of the proposition that if the strike is ended they will not be required to accept company scrip, and that if the strike is ended they will not be required to deal at the company's store, and various matters of that kind. And then they changed very radically and in very important particulars the clause of the letter of the governor that referred to the men who should not be taken back. I said: "Gentlemen, I am satisfied that this letter will not meet the approval of the representatives of the miners." They wanted to know why. "Well," I said, "because you are simply reiterating in writing what you are always saying that you are law-observing mine operators, that you always observe the law, that you always will observe the law. You could not say anything else. But the trouble is, that leaves you to interpret the law. You do not say how that law is going to affect your action with reference to these particular things—simply generalizations—and you can afford, in order to bring about a clear understanding, to make these declarations that we have suggested in that letter." But they simply would not do it.

The last interview we had with them upon that subject was at night. We commenced perhaps at 9 o'clock; I know we did not get through until midnight. Another gentleman joined them—Mr. Perry, making the four of them. And the controversy was long and serious, but it ended, and we were compelled to go back to the men and let them know that nothing could be done. They had seen the correspondence before we gave it or before we sent it to the operators. We wanted to know that our efforts in that direction would not be in vain and that if we got the operators to agree along the lines proposed it would be with their approval. They did not give any affirmative statements that it would be satisfactory to them, but I think both Gov. Ammons and I felt we had every reason to believe that if those letters were signed by the parties they were intended to be signed by the trouble would be ended.

Chairman WALSH. Excuse me, Senator. We will taken an adjournment at this point, and you well be excused until 2 o'clock.

AFTER RECESS—2 P. M.

Chairman WALSH. You may resume the stand, Senator. You may proceed now, Senator.

Senator PATTERSON. Before I continue I wish to make one or two slight corrections. I gave it as my opinion that the Cripple Creek strike occurred—that it grew out of dissatisfaction with the wage schedule, but I am inclined to believe that that was considered at that time in its origin, largely a sympathetic strike. There was a strike, as I recall it, in the Colorado City mills, which had to do with the reduction of the Cripple Creek ores, that became quite acute, and in connection with that perhaps the principal motive behind the Cripple Creek strike, in its origin, was to aid the strike of their working colleagues at Colorado City.

If, in my statement this morning—I am told that I said that Gen. Chase was adjutant general—that was also a mistake, because Sherman Bell was at that time adjutant general, and with regard to the episode that I narrated, the court scene with the military, where the judge took his seat on the bench to a "Present arms," etc., Gen. Chase, I am quite satisfied, was there, and in command of the troops, the 16 or 20 soldiers that were inside the bar; and he politely informed the judge that under the command of his superior officer, whether he mentioned the name of Sherman Bell I do not know, but he informed him he could not comply with the order to discharge the prisoner.

Now, I want to recall briefly, unless this detail is unnecessary or burdensome to the court.

Chairman WALSH. Just proceed, Senator.

Senator PATTERSON. I want to recall part of the discussion that was had between the governor and me upon the one side and the operators upon the other during these efforts for a settlement. The operators were simply standing by their legal rights—under no obligations to the strikers in any way. I suggested to them and impressed it very strongly, as strongly as I could, that there were other parties to the strike than the operators and the miners, that the general public was largely interested and that all parties to a great industrial conflict of that kind, having in mind the deep interest that the general public had in such a controversy, should be willing to make concessions, and that they should be quite willing, for the sake of the general public, if they felt under no obligations to the miners, to pocket their pride and to give way in some of their own beliefs as to what their rights, if not their duties, were, and illustrated by the debt that would be piled upon the taxpayers of the State, and the troubles and the violence, all of which affected the general public, but that had no weight with them. I gave it as my opinion that if the operators had before consented to a consultation or interview with the miners that the strike would have been settled.

Of course, that carries with it something of a conclusion upon my part, that the officers of the union would have waived the question of the recognition of the union by the operators, and, although they did not say in terms anything to the effect that they would waive the recognition of the union, while we were discussing that, and I was endeavoring to get them to waive the question of recognition, Mr. White, I think it was, said a settlement—that was Mr. White and Mr. Hayes and Mr. Lawson—all of them talked about it—a settlement with our organization does not necessarily involve a recognition of the union, and to emphasize that they cited the settlement in the West Virginia strike and called attention to the fact that their organization was a party to a settlement in West Virginia in which there was no recognition of the union—that there could only be an inference there was any participation in it by the union except as a party to the settlement—any question about the recognition of the union. It was such a conversation as that given with the positive assurance that if there was a conference granted, they knew the strike would be settled, that gave me the first belief, both then and now, that if they had agreed to a conference there would have been a settlement. I was also convinced, as a result of interviews with the miners, or their representatives, Mr. White, Mr. Hayes, and others, that while they would not directly give their assent to the calling out of the troops, that to have them called out would be a relief to them. For instance, they gave both the governor and I clearly to understand—perhaps I ought not to say clearly, but my fair inference was that the men out on the strike had gotten, or were getting, beyond their control, that they were moved by a feeling of that kind; that was impressed very strongly upon my mind.

Before we adjourned this morning I referred to the correspondence that we had hoped to have perfected, signed by the parties as a subterfuge for actual interview between the operators and the miners. I have not got that correspondence, but I am quite convinced that the operators have, because I have no recollection of the letter that I prepared, and which they were asked to sign, having been returned with the substitute, and I would like exceedingly well if the commission would call for that correspondence. And then again—

Chairman WALSH (interrupting). One moment, please. Give a description of that correspondence to the clerk.

Mr. HERRINGTON (attorney for the operators). I think we have it here.

Senator PATTERSON. Have you got it?

Mr. HERRINGTON. Yes.

Senator PATTERSON. Will you please let me have it?

Mr. WELBORN. I should like to present it when I am on the stand.

Chairman WALSH. Mr. Welborn, I would suggest that it would just save us sending for copies if you will let us have it.

Mr. WELBORN. All right. What letters do you want, Senator Patterson?

Senator PATTERSON. I want the letter that was to have been signed by the governor and the letter we sent to them that was to be signed by the operators. [Here several papers were handed to the witness.] May I read these?

Chairman WALSH. Certainly.

Senator PATTERSON. The letter that I prepared, which was addressed to Mr. Welborn, Mr. Osgood, and Mr. Brown under the circumstances mentioned was as follows:

"DEAR SIRs: With the hope of bringing to a conclusion the unfortunate strike which now exists among some of the coal miners of this State, I venture to address you to present the following suggestions:

"After numerous interviews with parties representing the coal miners of this State who are now on strike and yourselves, I discover that, aside from the recognition of the United Mine Workers of America, what are claimed to be the differences between your companies and the miners now out on strike are really provided for by the statutes of the State, and if the miners and you are willing to be governed by the statutes every substantial difference will be obviated.

"I know that you and your companies have always insisted that you have been governed in the operation of your mines by the laws of the State. Nevertheless, there are others who insist that you have not been so governed. Without attempting to determine which is right, I now suggest, irrespective of what may have been the practice in the past, that the following statutes particularly should be faithfully observed by you and all others engaged in coal mining:

"1. Section 3925. Revised Statutes, 1908, with reference to the rights of the men to organize and belong to unions.

"2. Section 113 of the coal-mining act of 1913, providing for the employment of a checkweighman.

"3. Section 6989, Revised Statutes, 1908, making it unlawful to use or employ directly or indirectly the so-called 'truck' or 'scrip' system in the payment of men.

"4. Chapter 95 of the Session Laws of 1913, regulating and limiting the hours of employment in all underground mines to 8 hours within any 24 hours.

"In addition to the foregoing it already appears to me that all employees should have the absolute right, without coercion of any character, to trade at such stores or other places as they see fit, and that they should be left absolutely free to buy whatsoever they desire, wheresoever they will, and that all men should have a semimonthly pay day in accordance with the practice which I understand now prevails substantially throughout the State. Furthermore, in the event of the termination of the strike now existing throughout Colorado, all employees who have suspended work or gone on strike should be given employment except where their places have been filled, or where they have been guilty of violence or other unlawful acts.

"Hoping that you will assist me in bringing about a termination of existing conditions and inform me in writing that you accede to these suggestions, I am,

"Very truly, yours"—

No signature, but that was the letter to have been signed by the governor. That letter we prepared and forwarded to them, which they were asked to sign, and in response to the letter this was received [exhibiting letter]. [After reading:] This is not the letter that I have reference to. The one that was prepared and sent to the operators; it was to be signed by them and addressed to Gov. Ammons, and in reply to the letter that I just read.

Chairman WALSH. We will get it elsewhere. Gov. Ammons says he has the original, so we will get it from him, Senator.

Senator PATTERSON. This letter [holding letter in hand], I am not familiar with it except that it may be a letter that I found in the files of the governor's office when I was endeavoring to get this correspondence for use in the recent campaign. If I could have that letter—I think it is of some importance—the original of the letter that I sent.

Chairman WALSH. Give the description to the clerk, Mr. Dower, and he will go downstairs and try to get it.

Mr. GOVE (attorney for the operators). Gentlemen, if you will pardon me, I think I can save some time here.

Senator PATTERSON. I would be very glad to.

Mr. GOVE. Senator, the letter which you now hold in your hand is the letter which you sent to the operators, and the letter which you have read and commented upon favorably, I think, is the letter which the operators wrote and said they would agree to.

Senator PATTERSON. Well, now, this is——

Mr. GOVE. That long letter is the letter that you wrote.

Senator PATTERSON. Now, then——

Mr. GOVE. And there was some objection to it, and the other letter which you have read is the letter which we drafted ourselves.

Senator PATTERSON. I think perhaps you are right. Let me ask you this question so that I will get it absolutely straight: I prepared a letter to be signed by the operators.

Mr. GOVE. That letter was never received nor delivered.

Senator PATTERSON. Oh, it's absurd!

Chairman WALSH. We will have the letter, so we will not get in any controversy.

Senator PATTERSON. The original letter?

Chairman WALSH. Yes; the original letter.

Mr. Dower, go downstairs—just describe the letter which you want to get from the governor, Senator, and Mr. Dower will take down your description. Describe it to him right here, and what the letter is you wish brought from the governor's office.

Senator PATTERSON. Perhaps—what did I do with it?

Chairman WALSH. The stenographer took that letter you read.

Senator PATTERSON. Let me have. Let me have it for the time being—the one I just read. I have been a little confused about these letters myself, and I am glad to have an opportunity to straighten it out. They said that this is the letter that I wrote that was to have been signed by Gov. Ammons. I had better read this now.

“DEAR SIR:”—

This is addressed to Welborn, Osgood, and Brown, Denver, Colo.—

“DEAR SIR: With the hope of affecting a settlement of the unfortunate strike that now exists among some of the coal miners in this State, I venture to address you and present suggestions as the result of various interviews I have had with you and others.

“I discover that, aside from a recognition of the United Mine Workers of America.”—

I find that this is interlined in pencil, “aside from the recognition of the United Mine Workers of America”; it is not in my writing, and I do not know who put it there.

“I discover that what are claimed to be the real differences between your companies and the miners out on the strike are really provided for by the statutes of the State, and that if the miners and yourselves are willing to be governed by the statutes, every substantial difference will be settled.

“In presenting the matters in my mind, I know that you and your companies have always insisted that you have been governed in the operation of your mines by the laws of the State. While this is so, there are others who insist that you have not been. Without attempting to determine which is right, my suggestion is that the things provided in the statute and that seem to be closely connected with the differences shall be definitely stated and that you agree that your companies will faithfully observe the statutes and do everything in your power to see that they are faithfully and definitely enforced. If you shall agree to that I will then take the matter up with the representatives of the men out on the strike and see if I can not get them to accept that as the basis of a final settlement.

“1. The statutes with reference to the right of the men to organize and belong to unions is found in section 3925 of the Revised Statutes of 1908. This provides ‘it shall be unlawful for any individual, company, or incorporation, or any member of any firm, or agent, etc., to prevent employees from forming, joining, or belonging to any lawful labor organization, union, society, etc., or to coerce, or attempt to coerce, employees by discharging, or threatening to discharge, them from their employ.’”

I find here that three or four words are interlined over “etc.,” the word “all” in brackets. How they came there I don't know.

“Therefore, the operators will agree that their miners may form or unite with such union or unions if they desire, and that there shall be no discrimination or action whatsoever on your part to influence or intimidate them from so doing, and the miners”—

Now, then, there is interlined following what I have just read—

“and the miners shall not use intimidation or coercion to induce others to join the union.”

That was not in the original letter.

“2. That hereafter at each coal mine with which you are associated, there shall be employed at the option of the majority of the miners working therein one or more checkweighman whose wages shall be paid by the miners therein employed. That said checkweighman shall run coal check and shall deduct a sufficient and equal amount from each ton of coal weighed to guarantee to them the wages agreed upon between the said checkweighman and said miners and that the duties of the said checkweighman shall be to see that all coal mined in

the mines in which they are employed is correctly weighed and accredited and for that purpose every mine owner shall give to such checkweighman access to all the scales and weights used for that purpose and to all books wherein the weights of the coal mined by the miners of said mines are recorded, and that the mine owners shall in connection therewith do everything required of such owners by section 113 of the Session Laws of 1913 of 'An act concerning coal-mine inspectors.' Commencing on page 162 of said session laws:

"3. That section 6901 of the Revised Statutes of 1908 concerning truck orders, scrip, etc., shall be fully recognized and that no attempt shall be made to settle or pay the wages or debts of the miners other than in lawful money.

"4. That the companies agree to pay the miners and workmen in and about their mines the wages that they earn every 15 days in lawful money of the United States or in checks on banks convertible into cash on demand at their full cash value, and that such wages shall be due and payable and be paid by your companies on the 5th and 20th day of each calendar month unless for the convenience of the operators some other two days in each month shall be agreed upon between the companies and the men, and that your companies will follow substantially the provisions of section 6981 of the Revised Statutes of 1908.

"5. That eight hours shall constitute a day's work for all miners and other workmen doing manual labor in and about your mines, and that the provisions of the statutes concerning the eight-hour day labor shall be faithfully followed and observed.

"6. That there shall be no compulsion or persuasion used to induce the miners to trade at what are known as 'company stores,' but that they shall be left absolutely free to buy whatsoever they desire wheresoever they will.

"7. That any other laws on the statute books that have to do with the operation of coal mines and the relation of miners to the mines or the operators shall be faithfully observed.

"8. That so soon as the strike is declared off, if it shall be, the men will be returned to work without discrimination.

"Hoping that you will help me to bring about a permanent settlement by informing me in writing that you accede to these suggestions, I am,

"Very truly, yours"—

I think that is the letter that I dictated. The letter that I read first is, as stated by Senator Gove, a substitute letter for this one that was to be accepted by the governor as the one written by him. I was fully of the impression that we prepared an answer to be signed by the operators and that they brought a substitute answer other than the one we had prepared. It may be that we sent but the one letter and that this is the substitute letter that I had in mind, when it is really a substitute for the one that was prepared in Gov. Ammons's office and sent to them. You see, it is much shorter than the one I have just read.

Now, then [reading from the substitute letter]:

"With the hope of bringing to a conclusion the unfortunate strike which now exists among some of the coal miners of this State I venture to address you to present the following suggestions:

"After numerous interviews with parties representing the coal miners of this State, who are now on strike, and yourselves I discover that aside from the recognition of the United Mine Workers of America what are claimed to be the differences between your companies and the miners now out on strike are really provided for by the statutes of the State, and that if the miners and you are willing to be governed by the statutes every substantial difference will be obviated.

"I know that you and your companies have always insisted that you have been governed in the operation of your mines by the laws of the State. Nevertheless, there are others who insist that you have not been so governed. Without attempting to determine what is right, I now suggest, irrespective of what may have been the practice in the past, that the following statutes particularly should be faithfully observed by you and all others engaged in coal mining:

"1. Section 3925, Revised Statutes, 1908, with reference to the right of the men to organize and belong to unions."

Now, the substitute for this short paragraph, this is the one that was in the long letter sent by the governor:

"1. The statutes with reference to the right of the men to organize and belong to unions is found in section 3925 of the Revised Statutes of 1908. This provides: 'It shall be unlawful for any individual, company, or incorporation, or

any member of any firm or agent, to prevent employees from forming, joining, or belonging to any lawful labor organization, society, union, etc., or to coerce or attempt to coerce employees by discharging or threatening to discharge them from their employ.' "

The proposed substitute for No. 2 is in this language:

"2. Section 113 of the coal-mining act of 1913 providing for the employment of a checkweighman."

The second as we sent it, and as they amended it in this substitute, is as follows:

"2. That hereafter at each coal mine with which you are associated there shall be employed, at the option of the majority of the miners working therein, one or more checkweighmen, whose wages shall be paid by the miners therein employed. That said checkweighmen shall run coal check and shall deduct a sufficient and equal amount from each ton of coal weighed to guarantee to them the wages agreed upon between the said checkweighmen and said miners, and that the duties of said checkweighmen shall be to see that all coal mined in the mines in which they are employed is correctly weighed and accredited, and for that purpose every mine owner shall give to such checkweighmen access to all scales and weights used for that purpose and to all books wherein the weights of the coal mined by the miners of said mines are recorded, and that the mine owners shall, in connection therewith, do everything required of such owners by section 113 of the Session Laws of 1913 of 'An act concerning coal-mine inspectors, commencing on page 162 of said session laws."

The third section in the letter—the original letter that we prepared—is this:

"3. Section 6991 of the Revised Statutes of 1908 concerning truck orders, scrip, etc., shall be fully recognized, and that no attempt will be made to settle or pay the wages or debts of the miners other than in lawful money."

For that they substitute "section 6989, Revised Statutes of 1908," making it unlawful to use or employ, directly or indirectly, the so-called "truck" or "scrip" system in the payment of men.

The fourth in the original letter:

"That the companies agree to pay the miners and workmen in and about their mines the wages that they earn every 15 days in lawful money of the United States, or in checks on banks convertible into cash on demand, at their full cash value, and that such wages shall be due and payable and be paid by your companies on the 5th and 20th days of each calendar month, unless for the convenience of the operators some other two days in each month shall be agreed upon between the companies and the men, and that your company will follow substantially the provisions of section 6981 of the revised statutes."

Now, for that they substitute the following:

"4. Chapter 95 of the Session Laws of 1913 regulating and limiting the hours of employment in all underground mines to 8 hours within any 24 hours."

That is the whole of that.

Five, in the original letter:

"That eight hours shall constitute a day's work for all miners and other workmen doing manual labor in and about your mines and that the provision of the statutes concerning the eight-hour day labor shall be faithfully followed and observed."

They have no substitute for that at all. They omit that in their substitute letter—any reference to it. Then 6 in the original letter:

"That there shall be no compulsion or persuasion used to induce the miners to trade at what are known as company stores, but that they shall be left absolutely free to buy whatsoever they desire wheresoever they will."

Covering that they have this:

"In addition to the foregoing it clearly appears to me that your employees should have the absolute right, without coercion of any character, to trade at such stores or other places as they see fit and that they shall be left absolutely free to buy whatsoever they desire wheresoever they will, and that all men should have a semimonthly pay day, in accordance with the practice which I now understand prevails substantially throughout the State."

Seven in the original letter:

"That any other laws on the statute books that have to do with the operation of coal mines and the relations of the miners to the operators of the mines shall be faithfully observed."

There is no substitute for that and no reference to it in the substituted answer.

Eight in the original:

"That so soon as the strike is declared off, if it shall be, the men will be returned to work without discrimination."

For that they have this:

"Furthermore, in the event of the termination of the strike now existing throughout Colorado all employees who have suspended work or gone on strike should be given employment except where their places have been filled or where they have been guilty of violence or other unlawful acts."

It may be, and in view of this letter and accepting Senator Gove's word, that it was over this original letter to be addressed by Gov. Ammons to the mine operators and the substitute that the controversy arose. If that was the case, I objected to Mr. Welborn and to Mr. Osgood and the other gentlemen that they ought not to substitute it; that all their letter amounted to was an asseveration that they would observe the laws, while the details that would tend to give satisfaction to the miners and that were particularly enumerated in the original letter ought to be accepted by them, because there was nothing in those clauses but a statement of the particular sections of the law that we were interested in and an assurance on their part that the things that were provided for would be observed. To that they made answer that to accept this letter from Gov. Ammons would be a practical admission that they had been violating the laws. I replied that such was not the case and that their substitute letter was but a promise on their part to obey the laws where they had been probably violating them before. I tried to convince them that that was not a logical conclusion, and that in view of the very, very grave interests at stake and the possibility, if not probability, that this correspondence might result in the ending of the strike that they should accept the original letter in its fullness. To that they absolutely refused to accede—to accept this original letter—but insisted upon their substitute. Now, the answer that I am under the impression we prepared—I may be mistaken; maybe we simply talked about what their answer was to be, because things were happening in pretty rapid order at that time, and we were jumping from one thing to another, and I preserved no copy of the correspondence. I simply have had the general subject and object in mind. But at any rate it was there that this effort to bring about a settlement of this strike, so far as Gov. Ammons and I were concerned, ended. We never got beyond that. They would not confer with the men. They knew they were in the adjoining room all the time ready to confer, and they would not agree to this substitute for a personal interview, and there the matter came to an end.

We read this proposed substitute to the miners, and they said that they simply could not accept that as a basis of settlement; that it simply iterated what they had always been iterating—that they were a law-abiding and a law-observing corporation and that they were willing to abide by the law and be bound by the law, and there was no such assurance in this substituted letter as they wanted to settle the strike.

It was pretty late at night—must have been nearly midnight—and Gov. Ammons sent for Adj. Gen. Chase. I think he also was in waiting, because he came almost immediately. They then proceeded with the document necessary to call out the troops. While Gov. Ammons was engaged in preparing the order, or about that time—perhaps shortly before—I said to the governor, "I think that in issuing this order calling out the troops you should accompany it with an order to Gen. Chase to this effect: That the troops were to be used, first, to afford protection to all property; second, to afford protection to all men who were then at work; third, that if any of the men who were out on the strike desired to return to work the troops should be used to afford them all necessary protection to return to work and while they were engaged in work, but that under no circumstances should the troops be used to aid in the installation of strike breakers as distinguished from men who had been at work and the men who might want to return to work. It was the claim of the mine operators that if coercion from the union was removed and the men out on the strike should receive protection a vast number of them would immediately return to work, and it was for that reason that I suggested to the governor that one of the purposes of the troops should be to afford protection to all who should desire to return to work. I suggested to the governor that to use the troops for the installation of strike breakers was to turn the use of the troops over to one of the parties to this great industrial conflict and that the State militia should be kept absolutely neutral and that they should not be used to aid one side or the other in gaining the strike. The governor, without any hesitation, acceded to those propositions—thought they were just

exactly right, and, as I understood it, he gave just that sort of an order to Gen. Chase in connection with his order to call out the State troops.

I then suggested to the governor that the public ought to know the purposes for which the State troops were to be used, in calling them out. There was intense excitement in the State. The partisanship was bitter, and that it was but due to the public that it should know the use that was going to be made of the State troops, and for that reason I suggested it would be well for him to have an interview prepared for publication in the morning newspaper, which would be the first paper to give notice of the course to be taken. He entirely agreed with me, and I telephoned to the office of the News to send up a reporter. In the meantime I had dictated something in the shape of an interview to his own stenographer and I think had it ready by the time the reporter came, and in that interview the purposes for which the troops were to be used, first, to protect all property; second, to protect all men who were at work; third, to protect all who might desire to return to work; and fourth, the troops were not to be used for the installation of strike breakers. These were clearly set forth in the interview. After it was dictated and extended it was read carefully to the governor, and he approved every word of it. Then it was given to the reporter and that was published in the morning paper—this interview—together with the action of the governor calling out the State troops.

Whether the troops—my recollection is that the troops did not get under way, any of them, until perhaps late the next night—this must have been pretty early in the morning. In any event I recall with great distinctness that the telegraphic reports published of the reception of the militia, when they went into the strike field, indicated that they were received with genuine pleasure by the strikers. My recollection is that the newspaper accounts published in the papers were that the strikers cheered the first militia as they were disembarking from the trains, and I think I can safely say that there was the best of feeling between the militia and the strikers, so far as outward exhibitions were concerned from that time for the next several weeks—somewhere in the neighborhood of three weeks. They were playing baseball together, and football, and things of that kind.

At the end of about three weeks the newspapers were filled with details of violence. I made inquiry and then I learned for the first time, and much to my astonishment, that the orders that he had given to Gen. Chase as to strike breakers had been called, or changed, and that State troops were then being engaged in inducting strike breakers into the mines. You can call them employees or miners or whatever you will. I think miners were brought from without the State and under the protection of State troops were sent to the different mines. And things occurred under those circumstances, as I labored under the impression they would occur, because the history of all strikes is that where operators undertake to supply the places of striking miners, it is met with resistance. From that time things went from bad to worse, crimination and recrimination, the operators insisting that all violence was committed by the miners, and the miners insisting that there was ample provocation for whatever violence they resorted to. It seemed to me that the absolute management of the strike territory had been turned over to Adjt. Gen. Chase. We heard daily of large numbers of men being arrested and put in jail; we heard that men were arrested without charge on mere suspicion and were kept incommunicado; that they were refused the visits of friends, the right to consult with counsel, or to do anything else in the way of taking charge of and looking after their own interest and welfare, such as is usually granted to the commonest of criminals. Mother Jones was arrested and put in jail and kept, as I understand it, absolutely incommunicado for several months. These men who were arrested merely on suspicion were kept, many of them, for weeks and weeks. All of that was done under a decision of the supreme court of the State that arose out of the Cripple Creek strike, called the Moyer case, the substance of which decision was that wherever the State troops were, whether martial law had been proclaimed or not, but wherever they were for the purpose of restoring peace or preserving the peace, that there all civil law might be suspended at the will of the commanding officer and the military law take its place. This was a decision that, in my opinion, up to that time, had no precedent except in the Philippine Islands, and I think that was the only case directly in point that the court relied on. It was a decision against which every lawyer naturally rebelled and under which the will of the military officer in command of the troops in such localities was the law.

Things of that kind are no justification for violence, or for the destruction of property or the taking of human life, but there is a tremendous amount of provocation in things of that kind. Here are the men whose experience leads them to regard themselves as a class distinguished from the other class, the employers. They feel that they are the underdogs in all of these industrial struggles; they feel that simply because they are engaged in these struggles—the part of the mass that goes out on a strike—because they may express their views about the strike in their particular locality, they are deprived of all their civil rights, that they may be arrested and are arrested and cast into jail without any charge being filed against them and without any opportunity for a hearing. I think that decision has done more to demoralize both the social and industrial elements in these great industrial disturbances—in Colorado—wherever these industrial disturbances have arisen—than everything else combined, for I want to say that when you subject the citizens of a great community to the will of a mere soldier, who has had no training in civil government, who has been taught and realizes that the will of the soldier is the law of the community, that the rights of persons and the rights of property are all at his will, it is a mighty dangerous thing, and the soldier is next to an angel that does not abuse it, and grossly abuse it. I think it is a tremendously grave mistake in any governor to turn over the government of any section of any of the States of this Nation to a military officer, exercising his duties and powers as commander in chief not only to keep a strong hand on the military, but as well to rule the citizenry, and keep himself within the limits of the law.

While talking with Mr. Hawkins, attorney for the miners, I spoke to him about the violence that was going on down in the strike field, impressed as I was with the feeling that the violence could not be justified and was not warranted, although there might be provocation from the conduct of the military. He came back with this sort of an argument, and I can understand how it is in the breast even of the foreign miners in this country. He said, "Patterson, you don't know how these men feel; they are arrested without charge, simply on suspicion, and they are cast into jail. Their fellows know how they are treated and they are conscious that they are guilty of no violation of the law, but simply exercising their right to strike—women arrested." He said, "It is mighty hard, and while I know this is no justification, I want to tell you there is provocation and the law recognizes the doctrine of provocation, because provocation mitigates the degree of crimes against persons," and I could not gainsay it. I believe one of the first things that should be done in the State is for the supreme court to recall this decision. I have said that a hundred times, and I must continue to say so.

Well, things moved on and finally I suppose there was comparative peace, and I think the governor caused the great body of the State troops to be called home, and some authority authorized the enlistment or the filling up of companies by mine guards or men who were under obligations to the mine owners. There is no question in the world but that that act itself—the presence of those men in the State militia, who had no business there, and who should not have been permitted under any circumstances to associate themselves with the State guard, intensified the strikers' feeling very much. The governor went East and while he was East I think such troops as were left in the field—mostly these enlisted mine guards and other mine employees—were at Ludlow. I do not know anything about the right or wrong of that conflict, I do not know who brought it on. I do not know who ought to be charged with the responsibility of it. I simply know it was a horrible affair, but I do not believe it was within reason that that entire tent colony could have been accidentally destroyed by fire, that is what I think. There were 10 or 11 children burned or suffocated, not burned, but suffocated, and two women, as I understand it. They were down in a pit under one of the tents. I believe the pit had been ordinarily used as a cellar. On this occasion it was used as a place of refuge for these children who were in this tent colony, and for the two women. I have never believed that the militia was aware of that fact; I can not believe that any member of the militia was aware of that fact; I can not believe that any human being who claims to be an American citizen and who was fit to be a member of the National Guard, could have known that in a pit covered by one of these tents used as a home were a lot of children and two women. In my opinion, I want to say, that as far as that tragedy being willful, or the soldiers having knowledge of the presence of women and children in that pit, I don't believe that any member of the State militia or even

the employees of the mine operators who became members of the two companies were aware of it.

I know that following the inflammatory accounts of this Ludlow tragedy that were published in the Denver papers the whole working population of Denver was terribly excited; they were in a frame of mind that bordered on desperation; I don't mean the miners, but the members of all trades. I know that about—some place about noon following the first accounts of it, I was called up on the phone from the miners' headquarters and I was told that they were determined to have a great public mass meeting in Denver the following Sunday, and they wanted me to agree to make a speech. I said that I would come down when I got through with some business I was engaged in, and I went down to the headquarters, and I found in the outer rooms several hundred men, frenzied, and in the interior room 40 or 50 representatives of different Denver trades-unions, and they were engaged in making speeches, which were perhaps the most inflammatory speeches I ever listened to. They indicated the almost frenzied state of mind under which they labored, and they were talking about this great Sunday mass meeting. I was asked to say something, and I got up without any hesitation and protested against the mass meeting. I said to them, "You are in no frame of mind, and the people are in no frame of mind to get together in a public meeting to make speeches and resolve about the question because you are in ignorance of all the real facts." I begged them to delay because the object of everybody should be to preserve peace and not to add to the excitement—instead of increasing it, the effort should be to allay it—but I might as well have talked to the winds; their minds were in such a state and their convictions were such that they felt the only way they could give expression to their views was in public, and that there ought to be a public expression of them.

The next day I went to a meeting of the chamber of commerce. I found there that the minds of the sedate members of that body were in an equally inflamed state. It was one of the clearest evidences of class consciousness that I ever saw. Speeches were made there that were quite incendiary in their character on the other side, and I felt called upon to protest against it and stated that the adoption of the resolutions which they proposed should be suspended until an investigation should be had. I secured the appointment of a committee to make an investigation and report, which never investigated and never reported, but it was appointed and it allayed the trouble there. I said that Gov. Ammons had gone East and that these things occurred in his absence. Following the Ludlow affair, the acting governor, Lieut. Gov. Fitzgerald, called out the militia again to send them into the field in the south. A great many of the people were disturbed and they thought there would be more violence than ever—with the minds of both side in such a state—that greater violence than ever would be committed; but on the intervention of citizens a promise on the part of the acting governor to use his influence for the calling of an extra session and certain other promises, the militia then on the way to the neighborhood of Ludlow were arrested before they got there, and after a while the governor got home.

Of course, as after all great storms of that kind, there came a lull. Then came the question of the calling of an extra session. After the governor had issued his call for the troops—and I want to say this in connection with that act of Gov. Ammons, I do not believe any man or any State official was ever more earnest or sincere in his efforts to secure an amicable settlement of that trouble or of any trouble. Assailed by bitter partisans on both sides, he said, "I can not depend on what either side says, both sides have lied to me," and he was quite as indignant against the operators as against the representatives of the miners. The governor came back and then the question of the calling of the extra session was up. I had not talked with him from the time he called out the troops, as I now recall, until he returned from New York. He had not consulted with me in any way about his change of policy or anything else, and I never intruded my views upon him. I think I got a request from him, through some of his friends, that he would like to talk to me and I went up and he talked to me about the extra session and what he should include in his call. The first and what he considered the most important thing was necessary provision to meet the expenses of the militia which had been piling up, as is usual under those circumstances. There was also something in his mind about putting it in the power of the governor to prohibit the sale of liquor in strike districts by proclamation. I suggested to him that he ought, in connection with the calling of the extra session, to include something remedial in its character,

and I suggested he ought to include in his call the necessary legislative action to submit to the people of the State an amendment providing for compulsory arbitration. After some demurrer he included it in his call. The legislature met and I prepared either the bill that passed the house providing for submission to the people an amendment providing for compulsory arbitration or one almost similar, and the one I prepared was introduced and passed the house by a decided majority. It went to the senate, and it was water-logged. Constitutional amendments must pass both houses of the legislature by a two-thirds vote, and in the senate it lacked two votes of the necessary two-thirds, and we never did get the other two votes, and the legislature adjourned without any action of that kind.

Following the Ludlow affair the feeling became almost universal for the presence of Federal troops. I recollect I sent a dispatch to the President urging him to send Federal troops, but I gave it as my opinion in that dispatch that two or three companies would answer every purpose, that I thought soldiers wearing the uniform of the United States to the extent of two or three companies would be sufficient and would secure absolute peace. That was my judgment, but the President sent several regiments. I suppose he wanted to take no chances for the reason that if he made a mistake by sending too few he would be open to censure, and since he had ample troops to spare he sent them out, but I think that two or three companies of United States troops would have served every purpose that the number of troops that came here have accomplished.

Now, I am pretty nearly through.

Chairman WALSH. Have you any recommendation or suggestion, Senator, as to how such a conflict might be prevented in the future?

Senator PATTERSON. Much to my astonishment, when I came to learn the influences that had prevented the passage of the amendments for compulsory arbitration I found that labor representatives, as well as the representatives of the corporation themselves, had both fought it. I was very much astonished at this. I suppose the unions went upon the theory, and yet go upon the theory, that in ordinary conflicts they have got the power to bring about what they desire without the intervention of an arbitration board. When they can get an advance in wages that they wish, or improved conditions of labor without submitting the matter to the uncertainties of a board or judges or juries, I imagine they prefer to do it that way. I think the great body of employers would be very much pleased with a compulsory arbitration law, but the great corporations like, take Mr. Osgood's company and the C., F. & I., and the Rocky Mountain Fuel Co., they feel that probably singly and alone they are able to fight in a contest of this kind, and by the wearing-out process defeat the demands of their men to get better wages or improved conditions; but I believe that the great body of business men and the great body of small manufacturers would take it almost as a Godsend if they had some tribunal into which they could bring the workmen or the unions they belong to to have their differences settled with power in the courts to enforce awards. I believe the great body of the workingmen would be delighted if some such tribunal as that was created, but the great employers, the ones with unlimited thousands behind them, they and the labor officials, I believe, would rather take their chances for winning the conflicts than be brought before a tribunal which was impartial to have the matter adjudicated for them. The big companies and the men who represent them in the legislature and the leaders of the unions were the influences that worked against the submission of that amendment to the constitution to the voters of the State.

I don't know of any other practical or available plan for protecting communities from these grave industrial troubles. Many years ago we had some such body provided for by the statute, as Gov. Carlson suggested yesterday—an arbitration board, I think, comprised of three members, everyone of them representative citizens and impartial and able men and, I think, they succeeded upon investigation and advice in settling quite a number of controversies, but it fell into disuse and ultimately that law was repealed. I recollect that ex-Gov. Grant was one of the members of that board for quite a while. I think that he was a very able, a very impartial, far-seeing, and humane man, and I think his calm, good judgment went far toward warding off many grave conflicts that were threatened.

Chairman WALSH. At the beginning of your testimony you referred to a conversation you had with Messrs. White and Hayes, leading up to this entire controversy. Do you recall the approximate date of that?

Senator PATTERSON. No; except it was possibly two or three or four weeks before the strike was actually inaugurated.

Chairman WALSH. It was before the meeting at Trinidad that called the strike?

Senator PATTERSON. Yes, sir.

Chairman WALSH. And you think three or four weeks before that?

Senator PATTERSON. I think so—about that.

Chairman WALSH. What are the relations of your own mining companies and those you are interested in toward the labor unions—toward the United Mine Workers of America?

Senator PATTERSON. We have always worked union labor. I am frank to say that I prefer that in industries in which I am connected shall be operated by union men, by union organizations. Those are my leanings, my decided preference. Yet, in the operation of the News, I have had many serious conflicts with the union. Unions are quite disposed to be arbitrary and exacting; this results in much friction and much dissatisfaction from what is very often the arbitrary character of their demands, and I have been compelled upon several occasions to meet them fully and frankly and say, "Gentlemen, I can not accede to your demands," but we have always got them settled—always. I have always believed in the rights of men to be represented by men of their own choosing in controversies with employers. I think it is a very grave mistake when employers decline to accede to that desire on the part of their men, and, therefore, no matter what the provocation seemed to be, I have always, without any hesitation, met whoever the unions I have had dealings with asked should represent them. Sometimes they have brought their high officers out from the East, and, as a matter of course, without any hesitation, we met them, and I think it is a grave mistake on the part of any employer not to allow their men their choice of negotiators for terms of settlement when these controversies arise.

So far as the little mines I am interested in are concerned, which have been losing concerns for the last 10 years, we never had any controversy with the miners. Not so long ago the union sent us notice that they were going to insist upon a raise in the wages of the surface men, and said they were going to insist that pay days should be changed to suit them. We met with them and protested and said that the raise was unwarranted. It did not affect the body of the miners, but surface men not connected with the actual mining of the coal. But they were insistent and it did not amount to much and we yielded. All the other independent mines yielded to their request.

Chairman WALSH. You have contracts now, Senator, with the United Mine Workers of America?

Senator PATTERSON. Yes, sir.

Chairman WALSH. Commissioner Weinstock would like to ask a few questions.

Commissioner WEINSTOCK. I take it, Senator, that you are an advocate of compulsory arbitration?

Senator PATTERSON. Yes, sir; as the best available immediate relief for the present conditions of things.

Commissioner WEINSTOCK. Will you tell us, approximately, how many miners are employed in the State of Colorado?

Senator PATTERSON. I do not know. I have to take the word of just such men as Mr. Osgood.

Commissioner WEINSTOCK. Approximately, how many?

Senator PATTERSON. As I understand, fourteen or fifteen thousand; that is, coal miners.

Commissioner WEINSTOCK. Coal miners?

Senator PATTERSON. Yes, sir.

Commissioner WEINSTOCK. Suppose you had compulsory arbitration in Colorado and these fourteen or fifteen thousand miners collectively refused to submit to the decision of the court; how would you penalize them?

Senator PATTERSON. You can not penalize them. That is certain. But this has seemed to me to be quite within the reach of the powers of the State. I do not want to group fourteen or fifteen thousand men together. Let us take a thousand men by way of illustration, or five hundred; that is within the grasp of the possibility of the numbers that may be handled. Either the employer or the representative of the men make it known to the board that there is a serious controversy that may result in a strike and violence. The board serves notice upon the other side to be represented there. Both sides appear

at the time mentioned, and they enter into an investigation. Both sides are given the widest latitude. Everything that is to be understood and comprehended to enable something like a just decision of the controversy is put before the board, and the board makes its finding. If it is a question of wages, they decree that there shall be a certain raise in wages, or they decree there shall be no raise in wages. Either the employers are dissatisfied or the men are dissatisfied. If it is the employer, the board, by the process of the court, will say "If you continue your operations, you will comply with this decree." To the unions or the men they will say, "While we can't compel you to work, yet we shall decree that this strike shall end; if you do not want to work, you will cease operating together as a body; you shall not be engaged in a strike any longer. If you do, you are in contempt of the order of the board. You have had your day in court," and I imagine, since they would have the right to quit work if they did not want to comply with the decree of the board and they would not want to be in contempt of a board that had the powers of the State behind them, and, while they might not go to work on the new wage scale that would be decreed, they would find it to their interests to quietly submit.

Commissioner WEINSTOCK. Supposing that 15,000, acting as a unit, refuse to submit, to disorganize?

Senator PATTERSON. I take it, if the board please, that there is a wide difference between what an employing corporation declares it will do and will insist upon, and what the decree of a constitutional and organized body or court will do when it has the powers of the State behind it. Of course, in all such cases it is easy to conjure up an extraordinary condition of things that would present very, very grave questions; and I am rather inclined to believe in the efficacy of the law after all, when a court having authority to enforce the law and to enforce its own decrees is behind it.

Commissioner WEINSTOCK. Do you think, Senator, that the plan that you have just outlined would be more efficient and more effective and less likely to break down than a plan similar to the one now in operation in connection with the mediation board—Federal Mediation Board—that deals with railroad labor troubles?

Senator PATTERSON. That is the new board that has been named by the President that you have in mind?

Commissioner WEINSTOCK. No, no. I have in mind the railway-mediation board that has been in existence now for two or three years under the Newlands Act.

Senator PATTERSON. Yes. With any ordinary body of men, with any ordinary corporation, I care not what its wealth and what its power may be, the views of a President of the United States, or the suggestions or decrees of a board comprised of able, wise, patriotic citizens, recognized as such, would have a wonderful effect. But will you—well, I don't want to say that, but I can easily imagine such a body of men as are represented by the operators here being absolutely impervious to anything that such a board would say or decree—absolutely impervious.

Commissioner WEINSTOCK. You think, then, that the Newlands Act would fail in a case such as this?

Senator PATTERSON. I haven't any doubt about it, because there is nothing compulsory about it. It is only advisory, and it has only the moral force of such a body of men as those behind it. Why, you take the great railroad strikes that were recently averted through the efforts of this board and through the interposition of the President of the United States. After the representatives of the men and of the companies got to Washington and talked with the President, they said, "Yes; let us have this investigation made"; and they proceeded to make the investigation and they went back to work. Thus was averted a strike that was within 48 hours of being brought on. But do you think that these gentlemen would do it? [Laughter.]

Chairman WALSH. Now, we must have perfect order. Please do not give way to your feelings.

Senator PATTERSON. They believe in the divine right of their legal rights, and they say we are not going to be swerved from the assertion of our legal rights.

Commissioner WEINSTOCK. From the testimony you gave this morning, Senator, I want to be sure that I understood you correctly.

Senator PATTERSON. Yes, sir.

Commissioner WEINSTOCK. Is this commission to understand that you place the burden of responsibility for the continuation of violence and strike directly

upon the shoulders of the operators for their refusal to confer with the representatives of labor?

Senator PATTERSON. I don't think that that states it exactly. I believe that if the operators' committee had agreed to a conference that that would have resulted in a settlement of the strike. I have a very, very strong conviction upon that subject. Now, I do not want to say that the responsibility is on one side or on the other. I am simply giving you the efforts that the governor and I made to bring about an amicable settlement; and the unqualified refusal of the operators to even confer with the representatives of the men, which I believe was absolutely, in view of the modern conviction about these great labor troubles, was absolutely inexcusable. Now, they may justify it themselves. I can well understand, Mr. Commissioner, how a man like Mr. Osgood—I clipped out from the News a verbatim statement of his testimony yesterday, and in this connection I would like to read it, because it will tend to illustrate what I mean:

"Regarding the question of recognition of the union Commissioner O'Connell asked Osgood, 'When you say you will not recognize the union, do you have any particular organization in mind?' 'No,' replied Osgood. 'Personally, I do not want to do business with the United Mine Workers, and I will not do business with them. I quit in Iowa when they came there, giving up properties which cost \$400,000, and I shall do the same here, if necessary; but I will not treat with them.'"

Now, imagine if you can, any more absolute and perfect and complete barrier to the settlement of controversies than the strong personality of Mr. Osgood uttering sentiments of that kind. It is a conviction with him. I have great respect for Mr. Osgood. Osgood is a very intelligent man. Ordinarily he is a humane man, I think. I think he is a man of good purposes. But this idea of the rights of property and the rights of employers has become—I don't know what to denominate it. It is just simply a conviction deep rooted that you can not feaze; and I can well understand: I felt that there must be some such thing as this interfering with our efforts to bring about a settlement which met with such absolute failure—a deep conviction upon the part of this man that he ought not to do it and he would not do it.

Commissioner WEINSTOCK. Was the Trinidad incident of the killing of the striking miner that you touched upon the first act of violence that took place in this strike?

Senator PATTERSON. I am not certain, but I think it was the first—well, the first tragedy. There may have been fistcuffs and things of that kind. I don't think there was any property destroyed; I don't recall it. There might possibly have been, but they were small occurrences as compared with this homicide.

Commissioner WEINSTOCK. Have you any knowledge of the circumstances which led up to that tragedy?

Senator PATTERSON. No, sir. I simply recall in a general way that this man may have said something—I think the usual pretense is set up that he made a motion of some kind to his hip pocket. That always occurs, you know, when a man is killed. That is the nearest to anything like an excuse I can now recall having been given.

Commissioner WEINSTOCK. Was the case investigated by the authorities?

Senator PATTERSON. That I am not prepared to say.

Commissioner WEINSTOCK. Seemingly, from your testimony—

Senator PATTERSON (interrupting). I think he was let out on bail.

Commissioner WEINSTOCK. Yes; seemingly, from your testimony, mistakes were made on all sides by the operators, by the workers, and by the State administration?

Senator PATTERSON. I don't think there is any question about it.

Commissioner WEINSTOCK. Now, could you, for the information of this commission, because we are very anxious to find out where mistakes are made in these labor disputes, so that we can make some recommendations to prevent a repetition of them—will you, for the information of this commission, give what, in your opinion, were the mistakes of the three different factors?

Senator PATTERSON. The whole strike system is a mistake. I think it is barbarous. The strike system is based upon violence. That is what it means. It does not require that blows should be struck or property burned or men killed; but the theory of a strike, as I understand it, is this, that we will bring the employer to our terms through interference with his property; through

interference with his business; and I think a man's business is as much property as his house or his horse. And when a strike is inaugurated its purpose is to cripple his business—to bring him to terms—a species of intimidation.

Commissioner WEINSTOCK. Do you think, then, that labor made a mistake in striking?

Senator PATTERSON. No; I don't say that, because I go upon the theory that the strike is the only available means that labor has of enforcing its demands. Now, for illustration, during the last interview that Gov. Ammons and I had with these operators this sort of a controversy arose. They engaged in very, very bitter denunciations of unions. I said, "Yes, gentlemen, strikes are marked all along their course with murder and arson and other degrees and qualities of violence, none of which is ever justified or can be justified. But yet, when you will array upon one side the benefits that have been brought to the great mass of workingmen through the agency of strikes and on the other side the violence that has occurred and that has marked their course, the benefit to society is largely on the side of the strikers.

Commissioner WEINSTOCK. What, then, do you regard as the mistakes of labor in this case?

Senator PATTERSON. To undertake to name their mistakes—if they made mistakes—is to affect a knowledge of the underlying causes for it, which I have not.

Commissioner WEINSTOCK. Well, then, while you believe that they made mistakes, you are not in a position to name them, is that it?

Senator PATTERSON. Now, if I say I am not in a position to name them, I would be, rather, classifying the acts of violence that have been committed with simple mistakes, and then not being able to say that they were mistakes. As a matter of course, no one can justify violence to the person or the destruction of property. The law and its officers take the place of private redress of wrongs. That is the theory.

So far as that really can be, it ought to be made effective. There is no question about that. But while there is no justification, there is very often provocation. There may have been provocation during these various disturbances—to the mine guards to shoot and kill. There may have been some provocation for the miners to have committed the violence that they are charged with. I can not undertake to pass upon the right or the wrong of any particular thing that has been done, except to decry in the most positive manner any act of lawlessness that has been committed by either side. And, then, when it comes to decreeing the punishment, the condemnation that it is to receive, to find out—was there provocation or was it wanton and malicious—I am not in position to pass upon those things. I can hardly say that they are mistakes. Of course, it depends largely upon the viewpoint. You take the workingman, associated with his union, he has not any question about both the necessity and the justification of the strike that they engage in. And the law—maybe this mistake is in the law—the law has progressed so far that strikes are now legal. It is not so long ago when to strike was an illegal act. It was a misdemeanor under the law. Where two or three men went out from work as a result of an agreement, a deliberation, it was a misdemeanor at common law. And yet, by force of public opinion or some other force working upon the minds of judges and the administration of the law, that had to be modified; and the courts themselves first commenced to modify it by taking away from the mere act the criminal aspect of it that existed before, until we have now almost uniform decisions of the courts that the strike is not unlawful, and there is hardly a legislature that has not legislated upon the subject of strikes and legalized them. As I said before, the strike itself is not far removed from violence. The strike means, and the primary purpose of a strike is to injure the employer. I haven't any question in the world about the necessity for it, because I go upon the theory that there are mighty few employers that voluntarily raise wages. There are very few employers who voluntarily improve working conditions. I think it requires—and that is the reason I suggested, fully and completely, the necessity for the thing that I think is really a barbarous method of righting wrongs—for want of a better method, mark you, that it was absolutely necessary that men should have the right to unionize; that men should have the right to be represented in negotiations, especially where large numbers are employed; should have the right to negotiate with their employer, one for all, and have some power, through the force of the organization, to enforce the agreement that they get.

It is a sad mixture of right and wrong in groping for these remedies that within the past few years have been thrust upon the different communities. They are simply laboring men and are availing themselves of the best means within reach to accomplish what they conceive to be a good end. And I go upon the theory that all sides are doing the best they can, availing themselves of such instrumentalities as they have. I think that our civilization is advancing in this country—not in Europe now, but gradually there will be evolved from all of this trouble and turmoil and violence a system that will come nearer doing justice to both employer and employee and to society than any we have yet. But I have not been able to evolve that system. I have done some thinking about it and I discover that in putting any system into operation that has to deal with men, with all of their weaknesses and their vanities and their pride and their selfishness and their unwillingness to submit to dictation, even their wrongs, we are in a tremendous maze, and I can not work it out, and I do not believe any man can work out a system that will meet with the approval of the great body of the people. There must be a species of coercion about any plan or system that is adopted, and that is the reason I stand in favor of compulsory arbitration which will take the one side and the other and say, "Gentlemen, for the sake of the general public, without regard to yourselves, although we have your good in mind, you have got to do this, and you have got to do that."

Commissioner WEINSTOCK. In passing, I might say, Senator, it may be some comfort to you to know——

Senator PATTERSON. What is that?

Commissioner WEINSTOCK. I say, in passing, it may be some comfort to you to know that I have discovered that the world is searching for the same missing link you are searching for—between capital and labor.

Senator PATTERSON. And they are as far apart and have not found it, I suppose.

Commissioner WEINSTOCK. Will you tell us, Senator, what you regard as the mistakes of the operators in this case?

Senator PATTERSON. I think the fundamental mistake of the operators, I can put my finger on that, was in refusing to even confer with the leaders whom the strikers selected to represent them. I think that that is inexcusable. That is my viewpoint.

Of course, when you go to Mr. Osgood, he talks about the man who was seeking work, having the power and the right to select his employer, and if he don't like one he can go to another, and that a man may do with his own as he wishes. He puts labor upon the same footing, so his testimony clearly discloses, with the purchase and the sale of property, live stock or dead property. He justifies himself and I think he honestly does it, and from his viewpoint, but I think it was the one great fundamental error; perhaps the original error was in the strike, perhaps it was not justified. I don't know. I don't pretend to say. But after the strike was on and after—through chastening influences of that conflict the representatives of the miners were in a mood to make many concessions, even to the yielding of their desire for recognition—as I said, I think that the fundamental error upon the part of the employees was to refuse to even confer with the leaders. I don't think there is any excuse for that attitude upon the part of any employer.

Commissioner WEINSTOCK. Now, what do you regard as the mistakes of the State administration in this case?

Senator PATTERSON. Oh, I wouldn't criticise the State administration. I don't want to do that. I think that Gov. Ammons made a mistake when he changed the policy [laughter]——

Chairman WALSH. We must have perfect order, please.

Senator PATTERSON. Or use to which the militia should be put. I think he made a very, very grave mistake. You discover when the President came into the field, when practically he had to listen to the almost universal demand for Federal troops, that he saw to it that the Federal troops were not used by either side. He said, "Protect property"—just as the governor did, when he originally called out the troops—"protect men at work, allow residents to go to work, protect them in work," but not using the short and very expressive term "strike breaker;" don't protect anything of the kind, don't take sides; in other words, try to treat both sides alike, and while the Federal Government was in command here, as it was possible for him to do. I think it was a very wise undertaking on his part and absolutely justifiable.

Commissioner WEINSTOCK. I gather from what you have said, Senator, that you believe that collective bargaining is in the interests of the greatest number?

Senator PATTERSON. How is that?

Commissioner WEINSTOCK. I gather that you favor collective bargaining?

Senator PATTERSON. Oh, undeniably it is, if you are going to talk about the workmen being upon a par with the employer. When I say collective bargaining I mean when we have great bodies of workmen. I do not think there is any necessity for anything of that kind, for instance, in the ordinary store, or with the ordinary small manufacturing establishment, whether he is running a personal business or whether it is run by a private corporation. It is better there that the employer should be in close touch with the individuals of his force, and, if he can, settle with each one. But where it is insisted upon and where there is organization—labor organization—whether you have many men of that organization in your employment or not, and the organization says, "Now, we want to make a contract with you for all your workmen that are within our jurisdiction," I think that it ought to be respected; without any hesitation it ought to be done.

Commissioner WEINSTOCK. What is your opinion, Senator, on the workmen's compensation?

Senator PATTERSON. I think it would be an economy as well as an act of justice to enact a general compensation law. Now, I will briefly tell you why. Ordinarily, or at least in late years, in case of deaths, the statute fixes the limit of liability in some sum, ordinarily \$5,000, for the death of a father, the husband, or a son, or any other upon which the family is dependent. And then it is left to the uncertainty of a jury trial as to what that amount within the limit would be. In some instances, where they may have had a perfectly clear case, they get \$100; in others they would get the full \$5,000.

Commissioner WEINSTOCK. Five thousand?

Senator PATTERSON. Five thousand dollars, dependent upon the skill of the lawyer largely, the power of his argument and eloquence, absolutely devoid of justice as to the amount, as a rule, except in so far as the largest amount could not be said to be unjust, but as to the amount that would be fixed in each individual case, many cases unjust because it did not depend upon the inherent rights or wrongs of the case. I think so it is with suits for personal injuries. I recollect when I was practicing law I tried a case up in Cheyenne, and my client—I think he had lost a leg—was employed by a railroad company, and I got a verdict for \$20,000, which the court very promptly set aside. But I could readily imagine that the same, identical case tried under other conditions—I was going to say by some other attorneys, but that would be an exhibition of vanity such as I will not indulge in, but yet I might say he would get perhaps for the loss of a leg \$2,500. Now, that whole system is unjust; it depends so much upon chance. We have a jury of 12 men, and one may be deeply prejudiced in favor of the plaintiff or deeply prejudiced in favor of the defendant, and that one man either raises the amount or cuts it down to an unconscionable amount, either unconscionably large or unconscionably small. Of course in the settlement of these disputes in court the public and the courts are doing the best they can. This jury system is the best system and the most satisfactory system that is available.

But when it comes to a compensation act, I think it is quite well enough to go upon the theory that a man or a woman will use at least ordinary caution in protecting themselves, either from death or great bodily harm. Of course they do not do it; they have not always got in mind due caution, but I think it might be quite well enough for the legislature and courts to go upon the theory that that is sufficient incentive to act; that in each case there is fault in the employer and sufficient fault to make him liable, and then fix the compensation, so that if a father or a husband or a son got killed, or maimed, the loss of an arm, the loss of a leg, the loss of an eye, they could go to the statutes and see just what compensation should be awarded. They would not have to go to a lawyer and enter into agreements to give them a third or a half or what they might recover, with the chances against their recovering anything, which is pretty hard on the lawyer as well as on the litigant. A reasonable sum, a moderate sum—I do not pretend to say what would be reasonable or what would be moderate, but I believe it would be a wise law under all of the circumstances. It would be economical in the end. And particularly the employer who now under the insurance systems that we have in vogue guards himself at a reasonable expenditure against loss from that cause. That is the way I look at it.

Commissioner WEINSTOCK. Do you know any reason, Senator, why, with a sisterhood of about 25 States now living under workmen's compensation, and with the experience of those 25 States, do you know of any good reason why Colorado should not promptly join that sisterhood of States?

Senator PATTERSON. No, sir; I think it ought to.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. O'Connell would like to ask some questions.

Commissioner O'CONNELL. In those letters that you drew up, Senator, you and the governor, to be sent to the mine operators, I note you specify in there a number of laws that you request they shall agree to live up to?

Senator PATTERSON. Yes, sir.

Commissioner O'CONNELL. As the basis of the adjustment?

Senator PATTERSON. Yes, sir.

Commissioner O'CONNELL. Are we to infer from that that they were not living up to those laws?

Senator PATTERSON. No, sir. On the contrary, this was the situation as to that: The men, the representatives of the union, were claiming that they were not living up to them, while the operators claimed they were. So we felt that if we could get a clear and distinct declaration upon the part of the companies, specifying the items in which these laws would be observed, that we could use that as the basis of settling the whole controversy.

Commissioner O'CONNELL. Would you care to express your personal opinion as to whether these laws were being lived up to or not?

Senator PATTERSON. No; I wouldn't care—I mean I am quite willing to express my opinion. I do not hesitate to express my views about it.

Commissioner O'CONNELL. I will be very glad to have you do so.

Senator PATTERSON. Well, I don't think they were. Now, take the law with reference to discrimination against members of unions. I was talking to the operators and one of them had to smile when they were insistent that they were. They said they were. But there is no question but what this was going on constantly. Mr. Osgood dropped an expression which is an explanation of it. He spoke about not keeping agitators. Most anybody comes under the head of an agitator that has an independent expression upon any subject that affects industry. Now, there is no question in the world but that for years the member of the union that fould his way into those mines—take, for instance, the mine of Mr. Osgood—if it was discovered that he was a member of the union and lisped upon the subject of the union, they found a way to get rid of him. That was not the reason that they gave, but there is no doubt in the world about that being the reason. But they got rid of him.

Let me suggest another thing. During our controversy these strikers were denounced as a lot of foreigners, ignorant fellows, lawless men, without any appreciation of the benefits and the goodness of American labor conditions, easily led; and yet I could not help thinking, and I suggested that everyone of these people had been brought into the State by the companies themselves.

Let me tell you what occurred. I believe it has been the practice of a number of the mines to employ non-English-speaking foreigners and to get them into their mines. It has been publicly stated in the press, and not denied, that I have seen, that in the mine of the C. F. & I. there are 22 different dialects spoken. I was talking with a very reputable citizen and a business man in Denver about a month or six weeks ago about this trouble. He made this statement; he said, "Senator, I know that there has been a deliberate policy upon the part of the C. F. & I. to fill their mines with foreigners, and with foreigners of different countries." And then he made this statement: He said, "Twelve or fourteen years ago I was furnishing them men"—that is not so long ago; it is in the century 1900—"and when I would get the orders for men frequently I would get them in writing, and they specified the number of one nationality and the number of another nationality—all speaking different languages—and no English-speaking nationality. And I got them." It, to my mind, shows a very deliberate and well-fought out system by which they would get good workmen that would cause them as little trouble as possible. I go upon the theory that in this country when you get English-speaking men together, or though they may be non-English speaking, as they learn the systems of the country and the rights of our citizenship in the country, and things of that kind, they just naturally get together and naturally get to talking about their own welfare and what they will do about it. It may be an improvement in working condition or it may be the getting of better wages, or something of that kind. I believe if what I said is true; that is, the statement that was made to

me, it seems to me that the purpose of that was to keep down as much as possible the cooperation of the men toward any given end—to get men in their employ who would be quite content to go to work in the morning, work during the length of time the law permits, go to their homes, go to bed, get up and go to work again without giving serious thought to the advancement either of their own individual comfort or the advancement of their class.

I think there is another reason, and, frankly, I intended to say something about that, if you will pardon me. The men employed by these great mining companies have been used as great political powers. It is the deliberate purpose, no doubt about it in the world, of these great companies to control the officials of the counties in which they are operating to have a very great influence in the selection of judges and in determining the constitution of the courts.

Commissioner O'CONNELL. Have they succeeded in doing that in this State?

Senator PATTERSON. Yes, sir. If anybody will take the trouble to read the election returns from two or three of the counties of this State where these large operating companies are, they will find that returns of elections from the precincts in which these mining camps are located are, as a rule, nearly unanimously in favor of either the men or the initiated measures that the companies favor, it makes no difference of what party candidates may happen to be. They may select someone in one party, a Democrat, or someone in the Republican Party. They know whom they want elected. They do not hesitate, judging from the results, to make it known, and somehow or other they have the means, the power to get from these precincts the vote just as they want it.

Commissioner O'CONNELL. Now, if they have actually power to that extent, what influence or power do they carry in the controlling of the small operator of the State—the managing of his business for him?

Senator PATTERSON. Well, I can't say. Now, Mr. Osgood spoke about the mine owners, the mine operators' association which has just lately been formed. I haven't any question but that the purpose of that as he gave it could be readily extended into having a great deal of unanimity as to everything that may be desired in the operation of the mines. But what influence the large mine owner might have over the small mine owner I don't know.

Commissioner O'CONNELL. Is he in position to force better treatment because of being a larger shipper than the smaller man?

Senator PATTERSON. I don't want to pass upon that. I know we have had a lot of trouble in days gone by with our little mine not getting what we—not so much lately; not so much in the last five or six years, but previously to that time, we happened to have a whole lot of trouble in not getting what we considered fair treatment from the railroads. That is all I could say about it.

Commissioner O'CONNELL. The laws of the State require that they shall pay their employees twice per month?

Senator PATTERSON. I think so.

Commissioner O'CONNELL. Has that been done?

Senator PATTERSON. So far as I know, it has been. I do not know anything to the contrary.

Commissioner O'CONNELL. Is there a law which says they shall not compel the employees to patronize company stores, or they shall not operate company stores?

Senator PATTERSON. I think so. No; not prohibit the operation of company stores. I am not certain about that.

Commissioner O'CONNELL. But that was provided for in your letter to the employers?

Senator PATTERSON. Yes; surely; and we referred to the section of the law. I think it refers to the section of the law—I think there is a section. That is my judgment about it.

Commissioner O'CONNELL. Are they operating company stores?

Senator PATTERSON. I do not think that they are operating them in the name of the coal mining companies. That would be my judgment.

Commissioner O'CONNELL. Have you been in some of the larger mining camps yourself?

Senator PATTERSON. Very, very seldom.

Commissioner O'CONNELL. But you have been there at some time?

Senator PATTERSON. Yes, sir; but not with the view of education along any line.

Commissioner O'CONNELL. Wouldn't you know then where there was a number of stores in a mining camp, or just one big store?

Senator PATTERSON. Not from observation; no. I wouldn't know.

Commissioner O'CONNELL. It would be evident if there was only one large store there, even though it may not be absolutely necessary for the men to patronize that store, there would be no other store there for them?

Senator PATTERSON. My understanding is that many of these mines are in what you might call isolated sections of the county or the State, and the big companies have a great area of territory, and they absolutely control the business within thousands of acres that they are owners of. I can well understand how it would be a tremendous inconvenience for the miners under such circumstances not to trade at the company stores, because they would not have facilities to trade elsewhere, and I think the companies aim to make their stores an item of considerable profit. For instance, I think Mr. Osgood stated that they made an average profit of about 20 per cent, and they turned over their stock five or six times a year. I think he made some such statement as that. That shows a pretty active business and a pretty large profit. That is a considerable item, and it is to the interest of the companies to have all the trade they can control in their stores, and they would like to have it. But now to what extent they go to bring it about, I do not know.

Commissioner O'CONNELL. Do you know of the scrip payment provided for in this communication?

Senator PATTERSON. Not much. I have no personal knowledge at all. I simply know of the fact.

Commissioner O'CONNELL. Senator, I am going to ask you for a voluntary contribution as an attorney.

Senator PATTERSON. Yes.

Commissioner LENNON. I would like if you would furnish us with a copy of the decision of the supreme court that you mentioned, in which the court decided that wherever the military were they have control.

Senator PATTERSON. Yes.

Commissioner LENNON. And give your reasons for dissent from that decision. Furnish it to us, say, a month from now.

Senator PATTERSON. I will tell you what I will do. I will furnish you with the volume of the reports in which the decision is contained. I will then furnish you with a copy of the dissenting opinion of Judge Steele.

Commissioner LENNON. Oh, that is the case you referred to?

Senator PATTERSON. That is the decision I referred to, in which the whole matter is very distinctly and graphically set forth.

Chairman WALSH. Commissioner Garretson would like to ask you a question.

Commissioner GARRETSON. In speaking of compulsory arbitration, Senator, you stated that a tribunal of this character clothed with the sovereign authority of the State would be accepted, by the men at least, as of great weight? Did I misunderstand you?

Senator PATTERSON. I don't think so; I give you that as my opinion.

Commissioner GARRETSON. Provided the laboring men of the State, regardless of unionism or nonunionism, become imbued with the idea that that tribunal was dominated by the same influences that they might believe that some of the other State agencies were dominated by, would that sovereign authority cut any figure?

Senator PATTERSON. I will give you my views about that. The administration of all laws must be through human agencies. Those agencies are either elected or appointed, and no human agency can be perfect. For the settlement of controversies between citizens, or between citizens and great corporations, or between great corporations, the law compels them to come into court, or it gives to either side the right to bring them into court. I may involve millions, that controversy, or thousands, or tens of thousands, or hundreds of thousands. The decisions may be very imperfect and very unfair; but once they have passed the final tribunal they are the law, and all the power of the Government is brought to enforce them. Now, we have got to go upon the theory that the appointing power, if he is at all responsive to public opinion, will, in the selection of such agencies, use his best judgment to get as good men as it can. The people, if they elect, have got to do the same thing. We must have judges, whether they are appointed or elected; both the electors and the appointing power may make very, very grave mistakes, and yet litigants have got to submit themselves to it. Now that illustrates my idea.

Commissioner GARRETSON. Well, now, let us give it a practical parallel. I assume, then, that your opinion is—or am I to assume that your opinion is

that the militia of the State of Colorado have the universal respect and their actions the approval of the citizens of Colorado in the past year?

Senator PATTERSON. No, sir; you are not to assume that.

Chairman WALSH. At this point we will stand adjourned until 10 o'clock to-morrow morning.

(Thereupon at 4.30 o'clock p. m. the further proceedings were adjourned until the following day, Friday, December 4, 1914, at 10 o'clock in the morning.)

DENVER, COLO., *Thursday, December 4, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Commons, and Weinstock.

Chairman WALSH. The commission will please be in order.

Senator, will you please resume the stand? Commissioner Garretson had not finished last night; he has some more questions.

Senator PATTERSON. I had not finished my answer.

Chairman WALSH. Very good. I thought you had, or I would not have stopped when I did last night, so you may proceed with your answer now.

Senator PATTERSON. I would like the stenographer to read the question and my answer as far as given.

The STENOGRAPHER (reading):

"Commissioner GARRETSON. Well, now, let us give it a practical parallel. I assume, then, that your opinion is—or am I to assume that your opinion is that the militia of the State of Colorado have the universal respect and their actions the approval of the citizens of Colorado in the past year?

"Senator PATTERSON. No, sir; you are not to assume that."

Senator PATTERSON. That answer needs some modifications that I was about to give when the adjournment was announced. I do not know of anybody in the State who does not recognize both the wisdom and necessity of a well-regulated militia. It is in times of stress one of the chief arms of the executive power, and when the necessity requires it should be used unflinchingly. The question might be construed, as applied to the action of the militia at all times during the recent troubles in the southern part of the State, and it was with that possible view that my answer was made. There is a very large body, very respectable people, very honorable people, who heartily approve of everything, so far as I know, of what was done by the militia under the command of its officers. But there is also a very large number of people that do not approve of what was done by the militia in the late troubles—at least it does not command the universal respect and confidence of the people.

Commissioner GARRETSON. Is the second body—you used the term in describing the first section. Is the second body of citizens as respectable an element as the first?

Senator PATTERSON. I think so—absolutely as respectable, although they represent what might be called different classes of occupation. I think the commercial class, with many exceptions, of course, and those who are intimately either in business or otherwise, associated with the big corporations of the State do not hesitate to indorse everything that was said and done, and give it to be understood that force is the only remedy; that is, the laws must be executed, must be upheld. That is their general statement. And it follows as a corollary to that, that whatever the militia does is right and is to be commended. While there is another large body of equally respectable men and women who are not engaged in commercial pursuits, who might be more closely allied with the working element, the trades of all kinds and manual occupations, and I think what might be called the student or thinking class. They go upon the theory that the militia may become quite lawless, use unnecessary violence, and go to such extremes that it is neither authorized by the law nor contemplated by the law or sound judgment; and that by reason of excesses in that direction it can not be said that the militia, as it is at present managed, command the universal respect and esteem of the people.

Now, one other matter. Things, according to general repute and published statements in connection with the militia, have recently occurred that are causing a great deal of comment—adverse comment—so far as I have heard any comment upon the subject. Apparently in anticipation of the time when the General Government will recall its troops, the militia is being, in a sense, reorganized, the companies filled and things of that kind, upon the theory, I suppose, that they may be required to take the field. A large number of enlist-

ments have recently occurred in the southern field; and according to common report—public statements that are not denied—new companies have been organized, or old companies filled, with employees of the coal operators in the south to the number of some 400 and over.

Now, I have no hesitation in saying that if the Federal troops should be recalled and the State militia be compelled to take the field, that to use such men, if these reports are true, as members of the militia in that field, would be a great blot upon the escutcheon of the State militia and the State officials who are responsible for that character of enlistments, because when men who are employed by one of the sides to a great conflict like this are enrolled in the militia it is utterly impossible for them to act in anything like an impartial and a fair spirit toward the bodies of men who it is presumed are going to violate the law. They would be mere partisans, and I can hardly conceive it possible that under the circumstances the militia of this State should be enlarged or reorganized with a body of any such men.

Commissioner GARRETSON. In your opinion, Senator, is the sentiment, the condemnatory sentiment you have described as that of a large body of citizens based on the fact that they believe the State militia was used as an instrument in favor of one side, or was it not?

Senator PATTERSON. Yes, sir; I think you have reached the crux of the adverse sentiment I have referred to—a conviction in the minds of that great body of people that the militia was used in a partisan way to overcome the strikers.

Commissioner GARRETSON. Now, for the parallel: If that belief is existant in regard to as great a branch of the State government as the militia, does not the opposition to the men and the board to decide questions under compulsory arbitration lie in the belief that that same dominance would govern that board?

Senator PATTERSON. No, sir; I think I would be compelled to answer that, to be literally correct, yes and no. The fear of both sides—of certian elements only of both sides—is that they may not be able to secure from such a board a full meed of justice from their standpoint—might not be able to obtain all the wages they thought they ought to have or all the protection in life and life-saving apparatus; on the other side they feel they would be compelled to pay wages they ought not to pay or have to go to the expense in affording proper protection to life and health that they can not afford to go to. I don't have in mind other elements; that is, the view of the other elements. When I stand for compulsory arbitration I think I am representing the sentiment and the firm conviction of the great body of both sides in controversies of this kind.

Commissioner GARRETSON. If that view represents the consensus of opinion of the great body, how is it that on this continent no legislative body has made it effective?

Senator PATTERSON. That has been the wonder to me, but I will tell you why, in my opinion. When a legislature meets, or even before, those two elements that interest themselves in legislation of that kind in securing or preventing it become exceedingly active and solicitous, while the great body give little or no attention to the legislation.

Commissioner GARRETSON. Is it not a fact that one of these elements that represent organized labor in that activity, is only carrying out the command, in set terms, of the great body of the men that they represent?

Senator PATTERSON. Of course, that is difficult for me to say. I have no doubt but that the leading influential labor leaders, here and elsewhere, have considered this proposition, because it is one that they have been compelled to consider; and, I think, they reached the conclusion that they can better effectuate the ends they are seeking through either popular opinion or the coercive measures they are able to apply through the strike and other things that are associated with it. And they would rather take their chances—now those are the influential people, I do not think it is the command or the desire of the great body of those different organizations. To my mind, the few, as is usually the case in organizations of that kind, lead, direct, and control the many. The body of those—of the organization—well, I will not make the criticism I was going to make, because it can do no good. But when this question of compulsory arbitration was being discussed in Denver and in the State—now, I think I am a very good judge of public opinion, and I think I am able to judge how far the expressions of those who discuss such matters will represent the views of the great body—there was an almost general

expression in favor of the law for compulsory arbitration—the amendment to the constitution.

The lower house of the legislature more nearly represents popular opinion, and, as a rule, is left more untrammelled by the elements who are engaged in manipulating legislation and molding and controlling it. They neither spend their exertions nor their time, as a rule, beyond the ordinary solicitation in trying to mold, guide, or control legislation of this character in the more popular body. So it is with Congress. The House is much more free to respond to public opinion than is the Senate—at least it has been in the past.

Now, take this compulsory arbitration proposition. It passed the house very soon after the legislature met, and, I think, it passed the house in response to a recognized popular opinion demanding it. But when we got to the senate there we found members—representatives of labor who were distinctly and largely elected by reason of their close affiliation with the labor element, and, perhaps, members of organized labor—opposing the measure.

On the other hand there were members, who, quite honorable, I suppose, listened and were inclined to listen to the wishes of the great interests—and yet in the Senate, under those circumstances—with the more or less active efforts of labor leaders, some of them were opposed to it, and the influences that the great interests brought to bear upon those whom they could reach—it had a majority in the senate, and came, as I understand, the record was made, within two votes of getting the two-thirds vote necessary to submit that proposition to the people. I believe if that was put before the people, even with the active opposition, if that amendment had been adopted and submitted to the people, I believe that with the active opposition of the great interests and the active opposition of the labor people, it would have carried and been made a part of the constitution by an overwhelming majority.

Commissioner GARRETSON. Could it have been done at any time except when the country was suffering from the present policies?

Senator PATTERSON. I think so. I think that there is a general widespread opinion among the plain people and men in moderately small businesses, whether it is commercial or manufacturing; and the great body of the working people, not only at times of great stress, but at all times when the matter is brought up, that believe that compulsory arbitration would be a genuine boon to the State.

Commissioner GARRETSON. How do you reconcile your estimate of the attitude of union men to the fact that their leaders, when you take into consideration that every scrap of Federal legislation that has been passed looking to the adjustment of industrial trouble, has had its inception with those same men, for instance, the Edman Act and the Newlands Act?

Senator PATTERSON. In the first place, I do not know whether it would be within the power of Congress to enact a compulsory legislation law that would reach the great body of the business of the country. Of course, it could only intervene in the case of businesses that were interstate.

Commissioner GARRETSON. Interstate?

Senator PATTERSON. But I think that the great body of the legislation that the labor leaders, both Federal and State, have been attempting to secure meets the approval of the great body of the laboring people, because all of it, they believe, and I think they are just in the conclusion, is calculated to and intended to advance the interests of the laboring people and ameliorate their conditions. But I do not think that that condition which you refer to has much to do with the phase of it that I was presenting.

Commissioner GARRETSON. Are you familiar with the compulsory investigation act of Canada, known as the Le Mieux Act—compulsory investigation, not compulsory arbitration?

Senator PATTERSON. No; I am not very familiar with it. I have heard it discussed. I have never read the law. I have read some magazine articles upon the subject.

Commissioner GARRETSON. Are you aware of the fact that the Crown ministers themselves admit the impossibility of bringing about conformity to it—that it is openly disregarded?

Senator PATTERSON. No, sir; I was not aware of that.

Commissioner GARRETSON. Assuming, for a moment, that that is their attitude, and that it has been admitted before this committee——

Senator PATTERSON. Yes.

Commissioner GARRETSON (continuing). Is it policy to pass laws which, it is admitted from your own standpoint yesterday, the remedy can not be applied for

violation thereof, and thereby breathe in men universally the idea of being law-breakers.

Senator PATTERSON. My idea is that the experiment would be well worth trying, because I have an abiding faith in the disposition and the purpose of the great body of the American people to obey and abide by the law; and I would like mighty well to see the experiment honestly and seriously tried of compelling two such bodies as we have had here—the union, upon the one side, represented, it might be, by their national organization, and the great operators upon the other. They would not be compelled, according to my idea, to bring the case before the arbitration board; but, like litigants where claims are presented and urged, either side desiring arbitration might, upon proper notice, bring in the other. If the other refused to respond, whether it was the labor unions or the employers, then proceed against them as in default, as you would in court, after proper notice; make as impartial an investigation and as thorough an investigation as such a body could, and then render the decision, and then put it up to the authorities to enforce it.

Commissioner GARRETSON. Is or is not compulsory arbitration in itself a misnomer?

Senator PATTERSON. Sir?

Commissioner GARRETSON. Is or is not compulsory arbitration in itself a misnomer? The moment it becomes compulsory it ceases to be arbitration and becomes another form of court.

Senator PATTERSON. Well, to a certain extent it is a misnomer; but it is simply a term, for the want of a better term, that is applied to convey the idea of the remedy. That is all it is.

Commissioner GARRETSON. But arbitration is, in essence, voluntary?

Senator PATTERSON. Not necessarily. I think that the sides to a great controversy can be brought in and made to submit their disputes to the arbitration of a proper board upon which has been conferred ample and proper authority.

Commissioner GARRETSON. Of their own free will?

Senator PATTERSON. Sir?

Commissioner GARRETSON. If they come of their own free will?

Senator PATTERSON. Yes; if they will come. But I believe in the power of the law, and I believe the law when it is upon the statute books ought to be enforced.

Commissioner GARRETSON. But you recognize the right of the other man to oppose it being made a law?

Senator PATTERSON. Oh, yes, indeed; yes, indeed. That has got to be discussed and thrashed out. It is a matter of public opinion. There would have to be a public opinion behind it that would coerce the legislation.

Commissioner GARRETSON. A law without public opinion behind it is valueless, is it not?

Senator PATTERSON. Yes, sir.

Commissioner GARRETSON. Mr. Osgood spoke of the right of the employee the other day to choose his employer.

Senator PATTERSON. Yes, sir.

Commissioner GARRETSON. Has a man, in your opinion, with children who are hungry, any right of election?

Senator PATTERSON. There is no real power of election there; and it is a sarcasm, it seems to me, to suggest that a poor man—such as coal miners—has a real untrammelled power of selection. If he wants to earn a living for his family he has got to take work where he can get it.

Commissioner GARRETSON. He is under the duress of necessity?

Senator PATTERSON. Yes, sir; he is. I think there has been a tremendous advance in healthy public sentiment in this country and in other countries that recognizes the helplessness of the average workman and of at least those engaged in the commoner manual employments; and therefore the law comes to his assistance with the right to organize—the right to a certain extent upon the part of the organization to regulate the business of the employer in the matter of carrying on the industry.

Commissioner GARRETSON. One other question, Senator: In the testimony that was given before this commission here yesterday or the day before the attitude seemed to be taken that this matter was purely between the employer and the employee, and that the public did not have a right—they might have an interest, but not a right to dominate. You spoke a moment ago of the majesty or the supremacy of the law. The law is nothing but the enacted

will of the people. Do you hold that the people have a right in these controversies—the public?

Senator PATTERSON. There isn't any doubt about it; and refusing to recognize the interests of the public, as I think, was the great blunder of the operators in this controversy. They commit a very grave offense against the public. Now, I will tell you why I think so. Very shortly after this strike was called the operators succeeded in raising the price of coal—almost doubling it. Whether that was done as a coercive measure upon public sentiment, to create the impression that it was by reason of the strike and the arbitrary action of the men in going out that the great public had to pay twice as much for its coal as it had been paying, I don't know; or whether it was the result of necessity or of the law of supply and demand, I don't know. I think perhaps there was a little of both in it. But the general public was the party that had to submit to that tremendous increase in one of the necessities of life. The militia was called out. Here were some of the great corporations coming to the governor and demanding that he shall call out the militia and protect them in carrying on their business. They are entitled to have the protection of the law, but here is a most unusual and extraordinary condition, and they are going to impose upon the taxpayers of the State an unusual and extraordinary burden. I think that in that case the parties to that conflict should always take into consideration the interests of the third party, and that was one of the reasons I gave to the operators in urging upon them to forgo their actual, naked, legal rights. They had the legal right to say "We will not meet or confer with those men." It is their actual, legal right, if they can get the kind and character of workmen that they desire, to do so; but when it comes to the public, there is not an employer of labor in any great quantity that should not at all times, in the event of serious controversy that may lead to serious consequences, take into consideration the welfare of the public and say to himself, "Must not I give and take for the benefit of the great body of the public before I put them to tremendous expense and the other inconveniences I am going to put the public to?"

Commissioner GARRETSON. The pound of flesh was the extreme of legal right, was it not?

Senator PATTERSON. Yes.

Commissioner GARRETSON. That is all.

Chairman WALSH. Commissioner Weinstock would like to ask a question. One moment, please; Commissioner Lennon would like to ask a question.

Commissioner LENNON. Senator, do you believe that labor is entitled to a controlling voice in industry so far as their wages, their hours, sanitation, and the conditions under which they have to work is concerned, and that such rights should be protected by law?

Senator PATTERSON. A controlling voice?

Commissioner LENNON. Well, a potent voice?

Senator PATTERSON. There is no question about it, I think they ought to have a potent voice, but not a controlling voice.

Commissioner LENNON. And do you believe that such rights should be protected by law?

Senator PATTERSON. I do, and I think ultimately we are going to have it. The legislation of the country is trending in that direction, and it is not by reason of the power and influence and strength of the laboring people, but I think it is the result of the sense of common justice that is gradually penetrating and finding lodgment in the public mind.

Chairman WALSH. Commissioner Weinstock would like to ask a few questions.

Commissioner WEINSTOCK. The question of mediation, conciliation, voluntary arbitration or compulsory arbitration is of the keenest and deepest interest to this commission. We are seeking all the possible light we can get in order that we may be able to present to Congress a workable plan that will have behind it the support of public sentiment. Now, in the matter of compulsory arbitration, as outlined by you, I find that you at this time are in the frame of mind that I was in several years ago. At one time I was just as pronounced an advocate for compulsory arbitration as you are, until unusual opportunities were afforded me to study the problem in the industrial countries of Europe, and Australia and New Zealand, where compulsory arbitration has been in operation for a number of years, and I have had that notion kicked out of my mind completely. The conclusion has been forced upon me that compulsory arbitration will not fit into our American institutions. That thought has become emphasized since the success of the Newlands law has been so pro-

nounced. That is a law for voluntary mediation and conciliation and has demonstrated that it is possible to apply voluntary methods and that the results are far better than when coercive measures are used and penalties are attached. If that is true, does it not seem wiser, Senator, to at least try some plan similar to the Newlands measure and reserve the extreme measure of compulsory arbitration to be used in this country when it is found that some measure similar to the Newlands law shall have failed?

Senator PATTERSON. Now, I ought to say that in advocating compulsory arbitration I do not in anywise decry the great benefits to be derived from conciliation, and, under the guidance of some committee provided for by the President or Congress, attempted friendly settlements of all these controversies. And it would be preferable rather than to resort to compulsion in every case. So far as I am concerned I should hail the enactment of every such law and the legalizing of every such body as another step toward the settlement of these great industrial, social problems. But, Mr. Commissioner, you take this case—a concrete case. Take the attitude of Mr. Osgood, who, to my mind, is really the strong mental factor and the controlling influence in the body of operators who are on the other side of this controversy. He says, "No; I will not put myself upon equality, nor permit my company to be put upon an equality with the head men of the opposition. I will not, either directly or through agents, enter into a conference with these people. I simply decline to follow or heed the advice, or the suggestions or the requests of any body of men." What are you going to do? Don't you believe that is a fit case for compulsory arbitration?

Commissioner WEINSTOCK. The State under those circumstances might be justified in taking over the enterprise? [Loud applause.]

Chairman WALSH (rising). If there is a repetition of that, I will have to ask the sergeant at arms to escort them from the room, because it is impossible for us to keep this under the tone that it ought to be kept if these outbreaks take place. I see the people that did it, and I am sure that they gave way to their emotions, but if it occurs again the sergeant at arms will have to escort them out of the room. Please bear that in mind and give us your cooperation in maintaining perfect order. If you are allowed to express your approval of something, directly some one will express their disapproval, and you understand, all of you, I know, that that makes for disorder.

Proceed.

Senator PATTERSON. The State could only take over an enterprise under the exercise of the war power, or in amendment to the constitution—and I would doubt the constitutionality under the Constitution of the United States, of a State constitution that would authorize the State to enter into the possession of an industry of a citizen, because the citizen refuses to enter into conciliation with his employees.

Commissioner WEINSTOCK. Is it not a fact, Senator, that the State, the municipality, and the State and the Nation, so far as I know, reserve the right to take public utilities and dissolve them and operate them? Is there not an agitation in this country for public, national ownership of railway, telegraph, and telephone companies?

Senator PATTERSON. Of course, they have the right, under the doctrine of eminent domain, to condemn public utilities, and take them over, but it is questionable whether they may declare any industry to be a public utility; probably, under a proper constitutional amendment, coal mines might be treated as a public utility and that utility subject to the legislative will. But there are limitations. It is not everything that can be declared a public utility.

Commissioner WEINSTOCK. Well, haven't the people of the United States, and if they have made it can they not remake it if necessary?

Senator PATTERSON. Oh, there is no doubt about that. There is absolutely no question about the power of the people if they have the opportunity to exercise their legal rights, their will in a legal way, no doubt about it, that they can remake our Constitution.

Commissioner WEINSTOCK. Under the Newlands Act applying to public utilities and to mines and to large undertakings—under an act of that character which depends upon voluntary action—would not the fear on the part of the owners of large undertakings, the fear that if they refused to live up to the spirit of that act, might end in public ownership, would that not have a powerful restraining influence on their part and prompt them not to stand absolutely upon their legal rights and to yield to public sentiment?

Senator PATTERSON. The mental vision of some of these so-called great captains of industry is exceedingly limited, and I doubt if you could convince a whole lot of them that there was any danger of that thing occurring; and in any event they would realize that there was a chance for a good big fight and try to defeat it. I do not think that any consideration of that kind would reach the sense of duty of a lot of people.

So far as compulsory arbitration is concerned, if I had had the same opportunities that you have had, Mr. Commissioner, here and elsewhere in this country perhaps, if my range of reading has been as wide as yours, perhaps my views as to its efficiency would undergo the same change that yours have undergone.

I am not one of those who labor under the impression that something that I conceive is an infallible panacea for public ills. We have got to form opinions, and we have to forsake them. We have to realize that a human mind has its limitations. And in speaking in behalf of compulsory arbitration, while it might be ineffectual in many ways, it is a belief that I entertain, and by reason of my relations and close intimacies with the great body of business men and the great body of workingmen that it would do a vast amount of good. And the very fact that one side could bring the other before a commission and compel it to spread out its hand and let the public know what the facts from its side were, would prevent many an industrial trouble.

And then, the fact that if one side felt its cause might be unjust, or that the commission might rule unjustly against it, that would deter many of them. But, of course, I have never had the opportunity to see compulsory arbitration tried, but I can not help but believe it would be a splendid good thing for some State to try the experiment, to just take both sides to some of these controversies that distract the public and destroy business and otherwise interfere with social and industrial relations and enjoyments—just to be able to take them right by the nape of the neck and compel them to yield to the judgment of a body of wise and impartial men.

Commissioner WEINSTOCK. In your testimony yesterday, Senator, I understood you to say that you were interested in certain coal mines, and that those coal mines have not been very profitable, and that you had employed exclusively union labor. Now, is it merely a coincidence, or is there any relation between the facts of employing union labor and the mines being unprofitable?

Senator PATTERSON. No, sir. I think that the difference in the wages paid to union labor and those that are paid to nonunion labor is so slight that it would make little or no difference in the success of a coal mining enterprise.

Commissioner WEINSTOCK. Have you any information, Senator, as to the degree of efficiency of union men employed in your mine and nonunion men employed in other mines—how does the efficiency compare, so far as you know?

Senator PATTERSON. No, sir. I have not studied that question. Let me say in that connection that I have never been able to give that close personal attention to—this is a mere incident in my business, my interests in these two mines—but let me suggest this: I have no doubt you have had it before your mind, there are, in my opinion, very, very serious evils connected with unionism; not with unionism, but the present system of unionism, and the things that, as a rule, unionism enforces.

One of them is the limitation, by arbitrary rules, of the number of learners or apprentices in the business that the members of the union are engaged in. I think that that is caused by the natural inborn selfishness of men with power. They want to limit the number of workmen in their particular calling in order to make the demand for labor in that particular calling greater, and thereby to be able to get better compensation for themselves.

Commissioner WEINSTOCK. You mean, Senator, that in common with the rest of us, they are opposed to all monopolies except their own?

Senator PATTERSON. I think that is a very happy expression of it. Then this is another matter—the limitation of the amount of work that unions impose upon their members. Now, I have had some experience with the typographical union, an organization that is really one of the most conservative and at the same time the most exacting of labor organizations that there is in the United States. But the policy of the union here, and I am inclined to think it is the general policy, is to limit the amount of work that the men will do in a day for their employers. In other words, the tendency is to make the standard of accomplishment that of the least capable and skillful of their members; to require compensation to the skilled and unskilled—relatively speaking, of

course—alike. They have their economic ideas for a policy of that kind—it is to give employment to the greater number of their membership; but, at the same time, I think all rules of that kind have a great tendency toward minimizing the things that many of the men could accomplish in advancing their own individual welfare—men with power of initiation and accomplishment, energy, and skill. Those are simply the lesser evils. I do not mention them for the purpose of decrying unionism as a proposition, but some of the weaknesses of it and some of the injustices in it that need readjustment in some way.

Commissioner WEINSTOCK. Are we to understand, then, Senator, from your statement that unionism carries with it certain disadvantages and certain evils and nonunionism likewise carries with it certain evils and certain disadvantages; but that, comparing and balancing the two, the advantages, in your judgment, are in favor of unionism?

Senator PATTERSON. Oh, overwhelmingly. If it had not been for unionism, Mr. Commissioner, our civilization—and I use the term in a very broad sense—would not be nearly so greatly advanced, because the degree and the quality of civilization depends very, very largely, indeed, upon the worldly conditions, you might say, of the great body of a community. It is not the few; it is not the few great artists or the few great philosophers or the few great scientists that constitute the civilization of a country. It is the mental acquirement and the degree of comfort and the state of achievement, the quality of the aspirations of a country or any community that fixes its degree of civilization. And if it had not been for the weapon which unionism is, members of the labor element would not commence to be getting the compensation that they receive for their labor. It has been the coercive power of the union that has added most largely to the increase in compensation of labor. And it is only through the cooperation of the individuals that constitute the great body that this lamentable condition that we read about of a century ago—two centuries ago—has been changed and improved. Better wages, better conditions for labor, better housing, better food, better education, a higher position in the social scale of the great body of workingmen and working women—these are due more largely to the union, with all of its weaknesses and all of the things that in it are subject to criticism, than any other single agency.

The unions in forcing up the wages for their men fixed a standard of wages in their work for nonunion workers. I remember very well when I was a boy a carpenter got a dollar a day, and a plasterer or a bricklayer who got a dollar and fifty cents a day was considered fortunate, at least, in the country town where I was raised, and their household comforts were few, as compared with what they have now under anything like steady employment. All of those things have been bettered. The benefits from unionism are not confined to unions themselves or the members of the unions, but they extend everywhere; they fix a standard of wages that the nonunion men and women get the benefit of; perhaps not as high, but so close that very, very many people do not see any necessity for becoming members of unions. They prefer to get the advantages of unionism without any of the disadvantages and discomforts and exactions, and so they go.

Chairman WALSH. Unless there is something else you wish to say that has occurred to you, you will be excused now. Thank you, very much.

Mr. Sergeant at Arms, is Mr. John McLennan in the house?

SERGEANT AT ARMS. Yes, sir.

TESTIMONY OF MR. JOHN McLENNAN.

Chairman WALSH. What is your name?

Mr. McLENNAN. John McLennan.

Chairman WALSH. Please pitch your voice a little higher, Mr. McLennan; the people in the audience would like to hear what is going on. Where do you reside?

Mr. McLENNAN. Denver.

Chairman WALSH. How long have you been a resident of Denver?

Mr. McLENNAN. About five years.

Chairman WALSH. Prior to that time where did you live?

Mr. McLENNAN. I lived in Colorado Springs.

Chairman WALSH. How long did you live there?

Mr. McLENNAN. About 12 years.

Chairman WALSH. Does that comprise all your residence in Colorado? If not, how long have you resided in Colorado?

Mr. McLENNAN. I have lived in Colorado about 19 years.

Chairman WALSH. Prior to that time where did you live, Mr. McLennan?

Mr. McLENNAN. In Scotland.

Chairman WALSH. What is your age?

Mr. McLENNAN. I am close to 40.

Chairman WALSH. Did you come direct from Scotland to Colorado?

Mr. McLENNAN. I did.

Chairman WALSH. What has been your business in life?

Mr. McLENNAN. I have followed coal mining all the time that I have been in Colorado—practically all of the time.

Chairman WALSH. What business did you follow before you left Scotland?

Mr. McLENNAN. I worked at mechanical engineering a part of the time. I was about 20 years old when I came to Colorado.

Chairman WALSH. So that your business has been that of a coal miner ever since you have been in this country?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. And your experience has been confined in that business entirely in the State of Colorado?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. How long have you been connected with the United Mine Workers of America?

Mr. McLENNAN. I have been a member for 15 years.

Chairman WALSH. Now, I wish you would proceed. I take it at the beginning you were a working miner when you joined?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. State how long you continued to work at your business as a working miner after you joined, and then, in detail, give us, please, the different official positions you have held with the United Mine Workers of America or with organized labor generally.

Mr. McLENNAN. I worked for years after becoming a member of the United Mine Workers.

Chairman WALSH. Whereabouts?

Mr. McLENNAN. In El Paso County, Colo. After the strike of 1904 I was elected district secretary of the United Mine Workers, which position I held until 1909. I was elected, at that time, president of the State federation of labor, and in 1913 I was elected president of the district of the United Mine Workers.

Chairman WALSH. What does that district comprise?

Mr. McLENNAN. Colorado, New Mexico, and Utah.

Chairman WALSH. What positions do you hold at the present time?

Mr. McLENNAN. President of the district, and president of the Colorado State Federation of Labor.

Chairman WALSH. I am going to ask you to outline, as briefly as you can, the history of the coal-mining industry of Colorado, so far as labor trouble is concerned, and I will ask you first, to please give us, as briefly as you can, the causes that led up to the strike of 1904, from the beginning, and a brief history of that strike.

Mr. McLENNAN. The first trouble in the mines that we have a record of was in 1876, when the miners of Fremont County struck against a 15 per cent reduction.

Chairman WALSH. Does your history show what the pay of the miner was at that time?

Mr. McLENNAN. Yes; I believe that about that time the miners were being paid \$1.25 a ton for mining coal and \$3 a day for daywork. The next we have a record of was in 1884, when the miners—

Chairman WALSH (interrupting). Pardon me, the first one was when?

Mr. McLENNAN. 1876.

Chairman WALSH. Proceed.

Mr. McLENNAN. The next was in 1884, when the miners of Fremont County again struck against a reduction.

Chairman WALSH. What was the result of the first strike?

Mr. McLENNAN. The result of the first strike was that the miners lost.

Chairman WALSH. In 1876?

Mr. McLENNAN. Yes. In 1884 there was a satisfactory agreement reached between the miners and the operators.

Chairman WALSH. Now, the first strike—does your history show that the military power was called upon?

Mr. McLENNAN. No; I don't remember that the military was called.

Chairman WALSH. Then we come to the strike of 1884.

Mr. McLENNAN. The strike of 1884 was settled satisfactorily to the miners.

Chairman WALSH. Was there an organization in this field at that time?

Mr. McLENNAN. There was, I believe. The most of the miners belonged to the Knights of Labor at that time.

Chairman WALSH. In a general way, what was the basis of the settlement of the strike of 1884?

Mr. McLENNAN. The miners went back on the same conditions; that is, they were not compelled to accept the reduction that the operators demanded of them.

Chairman WALSH. What were the hours of work per day in 1876?

Mr. McLENNAN. They were working 10 hours at that time.

Chairman WALSH. And in 1884?

Mr. McLENNAN. The same.

Chairman WALSH. Was there any question of hours involved in the controversy of 1884, or does your history show that the strike was purely on the question of reduction of wages without the question of hours?

Mr. McLENNAN. Our record does not show anything except the reduction of wages.

Chairman WALSH. Very good. How long did the strike of 1884 last?

Mr. McLENNAN. Six weeks.

Chairman WALSH. Did the men that went out on the strike, generally speaking, go back to work on the old conditions?

Mr. McLENNAN. Yes; I believe they all went back to work on the old conditions.

Chairman WALSH. Unless there is something else you wish to state about that, proceed to the next difficulty.

Mr. McLENNAN. The next was in 1894. The miners of Fremont County again—about 700—struck and marched to Las Animas and Huerfano Counties, urging the men in those two counties also to come out on a strike.

Chairman WALSH. Was there an organization in the first-named county—the county from which the 700 came?

Mr. McLENNAN. A partial organization, but not a complete organization.

Chairman WALSH. What organization was in the field then—of workers?

Mr. McLENNAN. There were some members of the United Mine Workers. The United Mine Workers had just commenced organizing in the West at that time.

Chairman WALSH. Did the national body take part in that strike—the national body of the United Mine Workers of America?

Mr. McLENNAN. No. That was, I believe, the time that the first general strike of the United Mine Workers of America occurred; they had a strike in the Eastern States at that time.

Chairman WALSH. Give us the characteristics, as you have it in your history, of the strike of 1894; that is, the contention between the parties, any violence that may have occurred, the characteristics of it, and the outcome.

Mr. McLENNAN. The record we have of that strike states that the militia was called out at that time, but that there was no violence or no trouble with the State troops. The Colorado Fuel & Iron Co. agreed to settle their differences with the miners if they returned home. They did return home, but the coal company went back on its promises at that time.

Chairman WALSH. What was the culmination of the strike?

Mr. McLENNAN. The Santa Fe Coal Co., I understand, settled with the miners, while the Colorado Fuel & Iron Co. refused to make any settlement.

Chairman WALSH. Did or did not the men go back to work for the coal companies?

Mr. McLENNAN. A great majority of them went back to work.

Chairman WALSH. Was there any gain on the part of the workers by their going out on a strike in 1894?

Mr. McLENNAN. I understand they did not get any advance in wages.

Chairman WALSH. What was the contention, what was the demand at that time?

Mr. McLENNAN. I understand they asked at that time for an advance in wages, although we have not got a copy of their demands, no copy has been preserved.

Chairman WALSH. Will you try to find that for the commission?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. You will continue your effort to find it?

Mr. McLENNAN. Yes, sir.

(Mr. McLennan in letter dated December 11, 1914, said: "I have been unable to find data requested, but the most reliable information at hand is that the miners struck for an eight-hour day.")

Chairman WALSH. The next trouble occurred when, Mr. McLennan?

Mr. McLENNAN. In 1903.

Chairman WALSH. I wish you would give us the causes of that strike—were you in the field at that time?

Mr. McLENNAN. I was.

Chairman WALSH. Give the causes of that strike, that led up to it, and give us a history of the strike of 1903.

Mr. McLENNAN. In the summer of 1903 the district president of the United Mine Workers of America wrote a letter to Gov. Peabody stating the conditions that existed in the mines; the grievances, among which were that they were compelled to trade in the company's store; that the ventilation laws were not enforced; that they were prohibited from holding meetings; that they were prohibited from being members of a union. This communication urged the governor to appoint a commission to investigate into the conditions that existed in the coal fields, and, if possible, to take some action that would guarantee the rights of the miners. One of the grievances stated at that time was that the coal operators were importing foreigners from southern Europe and displacing the English-speaking miners. I mention this fact because the statement has been repeatedly made since the commencement of this strike by the operators and by their agents that the men on strike were foreigners, evidently with the intention of casting reproach on the men who are on strike. I have talked to a number of men who are on strike now and before the strike commenced. They have told me that the Colorado coal companies have bills circulated and pamphlets circulated in Europe—in Italy and other southern European countries—painting in glowing terms the opportunities that await miners in Colorado, and that is no more than a year ago and two years ago.

There was no result came from the communication to Gov. Peabody at that time. A convention was called in September of 1903 and a scale of demands was drawn up for presentation to the operators. It was, of course, turned down.

Chairman WALSH. They turned that down. The demands included—

Mr. McLENNAN (interrupting). The demands included the demand for an eight-hour day, checkweighmen, 20 per cent advance, the abolition of the scrip system, and some others which I do not recall at this time.

Chairman WALSH. Those were the essential demands?

Mr. McLENNAN. Those were the essential demands.

Chairman WALSH. Proceed.

Mr. McLENNAN. The strike was called on November 9, 1903. There was a general shutdown practically in the three States—or two States and a Territory, as it was at that time. The operators then, as now, had a large number of gunmen. They immediately started abusing the men who were on strike. The particular feature of that strike was that they made a specialty of assaulting union men. Almost every official in the strike was at one time or other assaulted, some men to such an extent that they have not recovered from their injuries yet.

Chairman WALSH. Well, who, for instance?

Mr. McLENNAN. William Warjohn was one; William Mooney, William Farley, and a number of others whose names I do not recall at this time.

Chairman WALSH. Where were you at the time?

Mr. McLENNAN. I was in El Paso County.

Chairman WALSH. And did you hold a position with the union at that time?

Mr. McLENNAN. No; I was on strike.

Chairman WALSH. You were a striking miner?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Proceed.

Mr. McLENNAN. I have a copy of a letter, if the commission would wish it introduced, to show the methods employed by the gunmen in that strike. It was written to W. H. Reno, who was the chief of the Colorado Fuel & Iron Co. guards at that time, and who, I understand, is still in the employ of the Colorado Fuel & Iron Co.

Chairman WALSH. Proceed.

Mr. McLENNAN (reading):

TRINIDAD, COLO., February 10, 1904.

Mr. W. H. RENO.

DEAR SIR: Joe Mosco I drove out of town, also Rosario Dolce and his family. Nic Oddo refused to vacate and there was no way for me to get him out so I told Thompson to arrest him on the charge of vagrancy. That night he was taken before the justice of the peace and the case nolle prosequi. That was about 8 o'clock. I had Gordon, Barret, Smith, and King wait for him down by the bridge and they "kangarooed" him and the last I heard of him he was in the hospital, and he will not attempt to come back to Hastings.

It seems that the only way to get these agitators out of the camp is to "kangaroo" them and when they are all gone, I am satisfied the boys will go to work.

In regard to Jim Poggini, president of the union, I will say that he seems to be a very smart man. I tried to get him at his house on the 9th, but he slipped away from me and is camping somewhere below the company property. I left word before I left to arrest him on sight and pass him through the kangaroo and I will guarantee you it will be a cold day when he gets back in camp.

I left word with Gordon when I left not to show any favorites, and if anyone trespassed to send them to the undertaker. A lesson or two like that will teach them something and stop all the trouble, I think.

Nothing else at present. I will write you later on.

Yours, truly,

R. L. MARTELL,

Chief Secret Service for the State of Colorado.

Chairman WALSH. Now, where do you say that letter came from?

Mr. McLENNAN. That letter was written to W. H. Reno. It came from his office.

Chairman WALSH. That is not the original letter you have here?

Mr. McLENNAN. We have the original letter. This is a copy. We have the original letter on our files.

Chairman WALSH. Proceed. Mr. Weinstock says to ask you to state how you obtained the original letter.

Mr. McLENNAN. I am not in a position to state because it was obtained before I was an official of the organization. I might be able to let the commission know how we obtained it later.

Chairman WALSH. Are you acquainted with Mr. Martell's signature?

Mr. McLENNAN. No; I am not.

Chairman WALSH. Will you submit the original letter to the inspection of the commission?

Mr. McLENNAN. I will. We have it on file.

Chairman WALSH. You may proceed, then. What does the term "kangarooing" mean?

Mr. McLENNAN. According to the actions of the gunmen they appeared to use the word for assaulting men—beating them up.

Chairman WALSH. You may proceed. You were giving the characteristics, I believe, of the strike when you stopped for that letter.

Mr. McLENNAN. There were at that time hundreds of men arrested without any warrant or without charge.

Chairman WALSH. Do you know approximately how many men were arrested during the whole course of the strike?

Mr. McLENNAN. I don't believe that I do. Arrests were so common that we may not have kept an accurate account of the number of arrests that were made.

Chairman WALSH. Has it ever appeared in any governmental report that you know of, or any report that the State of Colorado, or any report to the legislature, or anything of that sort?

Mr. McLENNAN. I don't know. I believe that the history of that strike has been contained in some reports, but I don't remember at the present time just where.

Chairman WALSH. Will you look up the matter and see whether or not you can refer us, Mr. McLennan, to any place where authentic figures can be obtained as to the number of arrests made?

Mr. McLENNAN. I will be glad to do so.

(Under date of December 11, 1914, Mr. McLennan wrote the commission: "I am unable to get authentic figures in this connection.")

Chairman WALSH. Proceed, then.

Mr. McLENNAN. In March of 1904 the militia was called out. They were, so far as the abuse of the miners is concerned, if anything, worse than the guards. They started the system of deportation. A number of men were deported over the line into New Mexico. Homes of the miners were entered at all hours of the day and night ostensibly for the purpose of searching for arms.

Chairman WALSH. What weapons were in the possession of the miners at the beginning of the strike of 1904?

Mr. McLENNAN. There were no weapons in the possession of the miners at that time except the ordinary number of weapons that would be found amongst any number of workers.

Chairman WALSH. Approximately what would that be and what would the character of the weapons be, if you can tell us?

Mr. McLENNAN. I don't recollect of hearing of any weapons at that time except occasional revolvers and shotguns.

Chairman WALSH. What became of the weapons? You say searches were made to find them.

Mr. McLENNAN. The militia confiscated whatever weapons they found. What became of them after that no one appears to know.

Chairman WALSH. Well, that is all I care to know. They were taken by the militia?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Was there any effort made to disarm any of the miners who had weapons prior to the coming in of the militia?

Mr. McLENNAN. I believe there were a number of the men arrested on the charge of carrying concealed weapons; and that was the only effort made prior to the coming in of the militia, in the beginning.

Chairman WALSH. You may proceed with the details of the strike of 1904, please.

Mr. McLENNAN. There is little that I know of in regard to it, excepting the actions of the militia.

Chairman WALSH. Then what was the result of the strike of 1904?

Mr. McLENNAN. The result was that the strike was abandoned.

Chairman WALSH. How long was it from the time it was on until it was finally abandoned?

Mr. McLENNAN. About 11 months.

Chairman WALSH. Was there any general increase in wages between that time and 1913?

Mr. McLENNAN. Yes; there was an increase in 1908 in the northern mines; and the southern mines, I believe, followed suit by giving what they claimed was a voluntary increase.

Chairman WALSH. How much was that increase in 1908?

Mr. McLENNAN. I believe it was 5 per cent.

Chairman WALSH. Now, was there any other increase down to 1913?

Mr. McLENNAN. In 1912 the operators announced that they had given a 10 per cent increase.

Chairman WALSH. Now, you had nothing to do, as an official or as a member of a committee, with any negotiations or attempted negotiations during the strike of 1904?

Mr. McLENNAN. No, sir.

Chairman WALSH. How long were you out on strike yourself?

Mr. McLENNAN. About 13 months.

Chairman WALSH. And what did you do after the strike?

Mr. McLENNAN. I was elected district secretary at the close of the strike.

Chairman WALSH. Have you worked as a miner since that time?

Mr. McLENNAN. No, sir.

Chairman WALSH. I wish you would give now, briefly, Mr. McLennan, the history of the negotiations with the mine companies preceding the present strike. Did you make any attempt or personal effort with the operators to have them accept the interposition of your organization?

Mr. McLENNAN. There were practically no negotiations between the operators and any officials of the union because of the fact that they always refused to recognize that there were any union men in their mines, or that there was any considerable number of union men in their mines, and they refused to do business with any official of the union.

Chairman WALSH. What formal exchange of communications did you have with the operators, if any, prior to the calling of the strike?

Mr. McLENNAN. On August 26 the policy committee of the United Mine Workers sent a communication to every operator in the State, which was as follows:

"DENVER, COLO., August 26, 1913.

"DEAR SIR: For many years the miners of Colorado have been desirous of working under union conditions, and, as you no doubt know, have made this desire known on innumerable occasions, a large number of them being discharged because of their wishes in this respect.

"While we know your past policy has been one of keen opposition to the union, we are hopeful at this time that you will look at this matter in a different way and will meet with us in joint conference for the purpose of amicably adjusting all points at issue in the present controversy. We are no more desirous of a strike than you are, and it seems to us that we owe it to our respective interests, as well as the general public, to make every honest endeavor to adjust our differences in an enlightened manner.

"It ought to be evident to yourself and associates that Colorado can not stand alone in opposition to our movement. The operators of Wyoming, Montana, Washington, Oklahoma, Kansas, Arkansas, Texas, and Iowa, embracing all the important coal-producing States west of the Mississippi, have been working under contracts with our union for years, and it goes without saying that the operators in the above-mentioned States who once held the same opinion concerning our union that you now seem to hold are at this time well satisfied with our organization and we are much pleased over the security and stability given to the industry through the medium of the trade agreement. Why oppose us here, spending millions of dollars in an industrial conflict for no good purpose? Why is it not possible and practical for you to do in this State what the operators in all the neighboring States have already done?

"We feel sure you appreciate the gravity of this situation and will do your part to meet it at this time, when no sting will be left behind, which is always the result of a strike settlement.

"Let us meet now as friends and proceed to settle this entire controversy, with honor to ourselves, with credit to our people, and with faith in each other.

"Hoping you will favor us with a prompt reply, we beg to remain, sincerely, yours."

Signed by the policy committee of the United Mine Workers.

Commissioner LENNON. Read the names there, please.

Mr. McLENNAN. Frank J. Hayes, John R. Lawson, E. L. Doyle, John McLennan, policy committee representing Colorado Mine Workers.

We received no answer to that communication with the exception of two small operators who made reply. The next communication we addressed to the operators was on September 8, 1913, in which we notified the operators that there was a joint convention called to meet in Trinidad on September 15, and invited them to meet with us. [Reading:]

DENVER, COLO., September 8, 1913.

DEAR SIR: We hereby notify you that there will be a joint convention of miners and operators of this State at Trinidad, Colo., next Monday, September 15, at which time we hope to see your company represented.

We are making this last endeavor to settle our differences peacefully and with the hope of preventing a strike.

If you will kindly come to this joint convention we feel sure that we can adjust all points at issue between our respective interests in a satisfactory manner.

Anticipating the pleasure of meeting you at Trinidad on the above-mentioned date, we beg to remain,

Sincerely, yours,

FRANK J. HAYES,
JOHN R. LAWSON,
JOHN McLENNAN,
E. L. DOYLE,

Policy committee representing Colorado Mine Workers.

There were no operators met with the miners at that convention.

Chairman WALSH. And what was the result of that convention so far as the strike was concerned.

Mr. McLENNAN. The result of that convention was that a strike call was issued after first drawing up their demands and with instructions to submit

them to the operator. The strike call was issued to take effect on September 23 unless the operators would agree to go into conference with the representatives of the miners.

Chairman WALSH. Were the demands issued—how were the demands presented?

Mr. McLENNAN. I believe that they were sent to the different operators.

Chairman WALSH. And no reply received?

Mr. McLENNAN. And no reply was received.

Chairman WALSH. Was there any opportunity given for reply?

Mr. McLENNAN. There was.

Chairman WALSH. What time?

Mr. McLENNAN. About a week.

Chairman WALSH. Now, I wish you would detail any attempts within your knowledge that were made by the executive committee of the union, by operators, or by public officials, to settle the strike during its early stages.

Mr. McLENNAN. The executive committee at all times announced that they were ready to meet with the operators, or that they were ready to submit their differences to any fair-minded commission or committee that would be appointed to settle the strike. The operators made no attempt that I am aware of to settle the strike.

Chairman WALSH. Were you in conferences that were had with the State officials—Gov. Ammons?

Mr. McLENNAN. I was in some of the conferences.

Chairman WALSH. I wish you would briefly sketch the details of those conferences.

Mr. McLENNAN. There were so many conferences with Gov. Ammons—I believe that the governor made many efforts—sincere efforts—to settle the strike in its early stages; but he always announced that he was absolutely unable to do anything with the coal operators.

Chairman WALSH. I wish you would give a brief history of any other attempts that were made by State, Federal, or other agencies to bring about a settlement of the strike?

Mr. McLENNAN. The first Federal agency that attempted to bring about a settlement was when Ethelbert Stewart from the Department of Labor came here and visited the miners. We furnished him all the information we had at hand. He visited the operators and made many attempts to get them to confer with the miners. He failed, and when he left Colorado the coal operators issued a statement condemning Mr. Stewart as being partial and unfair. Secretary of Labor Wilson himself came to Colorado to try and settle the difficulty. Secretary Wilson had a proposition for a settlement drawn up ready to submit to both sides, but after he found out the attitude of the operators he withdrew the proposition and left the State. The operators also condemned Secretary Wilson as being unfair and partial. I would say that during the time that Secretary Wilson was here the operators induced both Gov. Ammons and Secretary Wilson to submit to the miners a proposition that they had some time before submitted to the governor. The governor showed us that proposition. He said he did not want to give it to us as a basis of settlement; he was ashamed to submit it to us, but he would let us read it. It simply consisted in a statement to the effect that the operators would obey the law. We recognized when this other statement was submitted to us that it was practically the same as the original operators' proposition. The miners turned it down unanimously. It was submitted to the miners more out of respect to Secretary of Labor Wilson than because there was any idea that the miners would have accepted it.

The next attempt was the congressional committee, which made a thorough and complete investigation of the conditions in Colorado, and I believe sustained all the charges that had been made by the miners. While their report is not yet submitted, I am satisfied that the evidence presented to that committee was sufficient to convince the commission that the charges made were true.

Chairman WALSH. Well, was there any effort made at that time to bring about a settlement by any person while that congressional committee was here?

Mr. McLENNAN. There was another—there were several representatives here at that time from Washington, but there was another committee sent by Secretary of Labor Wilson.

Chairman WALSH. Who were the individuals composing that committee?

Mr. McLENNAN. Mr. Fairley and Mr. Hywell Davies.

Chairman WALSH. Now, what effort was made through that committee?

Mr. McLENNAN. That committee interviewed both the miners and the operators and after the investigation made a report to the Secretary of Labor, I believe containing a recommendation as to what could be done in regard to the settlement of the strike. The operators, I might say, have also condemned this committee.

Chairman WALSH. Now, were there any other agencies that undertook a settlement—negotiations for a settlement?

Mr. McLENNAN. The Colorado Legislature appointed a committee which has not yet made its complete report.

Chairman WALSH. Any attempt made to bring about any adjustment through that committee?

Mr. McLENNAN. There was.

Chairman WALSH. Who were the individuals who took part in that attempt?

Mr. McLENNAN. Senator Burris was chairman of that committee; Senator Stephen, I believe, was another member. I don't remember the full committee.

Chairman WALSH. What was the outcome of that effort?

Mr. McLENNAN. It failed.

Chairman WALSH. Briefly, what were the details of the attempt? Did they wait upon the operators and the miners?

Mr. McLENNAN. They waited upon the miners several times. I am not aware of what negotiations they had with the operators.

Chairman WALSH. Was there any submission of a proposed plan of settlement made to this committee by the miners, or by the committee to the miners?

Mr. McLENNAN. There was a proposed plan submitted.

Chairman WALSH. What was the policy of the United Mine Workers as to the arming of its members at the beginning of this strike?

Mr. McLENNAN. There was no policy adopted by the organization as to the arming of its members.

Chairman WALSH. Was violence foreseen by its officers, or discussed?

Mr. McLENNAN. Violence was foreseen because of the fact that one organizer had already been killed before the strike commenced; also because of the fact that the Baldwin-Felts Detective Agency had been employed in the strike district a good many months prior to that. The officials and members of the union were well aware of their history in West Virginia, which is a record of violence.

Chairman WALSH. Was there any discussion at the beginning of the strike by the officers of the United Mine Workers as to the arming of its members or the securing of arms or weapons?

Mr. McLENNAN. There was not, so far as I know. There probably were a number of individual miners who bought guns of their own accord, at the beginning of the strike. But there was no discussion amongst the officers that I am aware of.

Chairman WALSH. Any organized effort, so far as you are aware of, on the part of the officers or individual members of the union to secure arms at the beginning of the strike?

Mr. McLENNAN. There was not.

Chairman WALSH. Please give us the history of the legislation affecting the conditions in the coal mines in Colorado—what laws were passed first.

Mr. McLENNAN. The first law passed which affected the trouble in the mines is the law giving the workers the right to belong to a union and which makes it a criminal offense to discharge a man because of his membership in a union. There was an antiscip law prohibiting the use of scrip; and scrip is still used by one of the companies in the south of Colorado.

Chairman WALSH. What company?

Mr. McLENNAN. The Victor-American Fuel Co.—or it was testified it was used during the time of the investigation by the congressional committee.

Chairman WALSH. Well, do you know what the fact is at the present time as to whether it is used or not?

Mr. McLENNAN. No; I have not seen any since the meeting of the congressional committee.

Chairman WALSH. Well, what other law?

Mr. McLENNAN. The checkweighman law providing that the miners may have a man to watch their coal being weighed. An eight-hour law, providing for eight hours work on the part of the miners in the mine. All of those laws have been absolutely ignored by the coal operators in the coal-producing districts.

Chairman WALSH. Did these laws and the nonenforcement of them, as you have stated, bear any relation to the strike? If so, what was it?

Mr. McLENNAN. Five of the demands of the miners out of seven were for the enforcement of State laws. Practically most of the grievances complained of by the miners were the violation of the laws or the nonenforcement of the laws.

Chairman WALSH. How many due-paying members had the United Mine Workers of America in the southern Colorado coal field on the 1st day of January, 1913?

Mr. McLENNAN. I am not in position to give the membership.

Chairman WALSH. Can you approximate it?

Mr. McLENNAN. The reason that I do not know the membership is that we have not got a record of it in our district office because of the fact that the coal operators were making a special effort at that time to find out who the members of the United Mine Workers were. There were no records sent to our district office. The matter was entirely under the charge of the national office in Indianapolis.

Chairman WALSH. From whom could the commission get that information; from what official?

Mr. McLENNAN. I believe it would be possible to get it from the international secretary-treasurer.

Chairman WALSH. Who is that?

Mr. McLENNAN. William Green.

Chairman WALSH. Where is his office?

Mr. McLENNAN. In Indianapolis.

Chairman WALSH. Have you any record of the number of due-paying members in the organization on September 1, 1913, or does your answer, just given, apply to that question also?

Mr. McLENNAN. My answer covers that also.

Chairman WALSH. Were all of the delegates to the Trinidad convention of the United Mine Workers held in September, 1913, bona fide delegates elected in accordance with the rules of your organization?

Mr. McLENNAN. They were all bona fide delegates. They were not all selected in accordance with the rules of our organization, because of the fact that in the mines of southern Colorado no meetings of any kind were allowed to be held by the miners. Any man who was found or caught attending a meeting of any kind, either fraternal or union, was immediately discharged and run out of the camp. So it was impossible to hold open meetings in those camps that were guarded by the companies' gunmen; but in the rest of the State, in northern Colorado and camps where there were no guards to prohibit the holding of meetings, open meetings were held and delegates elected.

Chairman WALSH. How many miners responded to the first call for a strike?

Mr. McLENNAN. According to the records, or the reports received at headquarters, there were 11,232.

Chairman WALSH. Were there acts of coercion or intimidation used to influence any of the miners who came out on the strike?

Mr. McLENNAN. There were none. There were no officials of the United Mine Workers visited any camp during the interval between the calling of the strike and the time it went into effect. The miners simply responded to the strike call. And I want to say in this connection that if they could have been intimidated by a mere strike call that they would have long ago been intimidated by the mine guards and the militia into going back, because that appeared to be the whole attitude of the mine guards, to intimidate the miners in going back to work.

Chairman WALSH. What was the first act of violence in the present strike?

Mr. McLENNAN. The first act of violence was the killing of Gerald Lipplatt on the streets of Trinidad.

Chairman WALSH. By whom?

Mr. McLENNAN. By two of the Baldwin guards, Belk and Belcher.

Chairman WALSH. At any time did the officers of the United Mine Workers decide to purchase arms and ammunition?

Mr. McLENNAN. The officers—not as an organization, not in concert—but at various times different officers bought guns and ammunition on the request of the miners. But so far as I know there were no guns bought by any of the officers until after the machine guns were shipped into southern Colorado.

Chairman WALSH. And about what was the date when the decision was first made to purchase arms?

Mr. McLENNAN. I don't recollect. But, as I stated, there was no meeting at which this decision was made. It was simply decided by the officials in the different district offices.

Chairman WALSH. Your—to your knowledge, what kind of arms were purchased; and give a description of them, please?

Mr. McLENNAN. I have no personal knowledge.

Chairman WALSH. Could you approximate it to the commission?

Mr. McLENNAN. No; I could not. I haven't any knowledge as to the number of arms that were purchased in the various district offices.

Chairman WALSH. You could not give us the approximate amount of them?

Mr. McLENNAN. No. But I could get a report from the various offices and furnish it to the commission.

Chairman WALSH. Will you get a report from the various offices and furnish it to the commission before we leave here?

Mr. McLENNAN. I will.

Chairman WALSH. Very good.

Now, I wish you would state briefly the early history of the strike, before the arrival of the militia. Describe, for instance, the methods of picketing the mines.

Mr. McLENNAN. There were a great many arrests made for picketing.

Chairman WALSH. By whom were the arrests made?

Mr. McLENNAN. By the mine guards.

Chairman WALSH. What authority did these mine guards have?

Mr. McLENNAN. They were deputized by the sheriff as deputy sheriffs, commissioned as deputy sheriffs.

Chairman WALSH. Was there any knowledge on the part of the public that men were to be commissioned, and the individuals known before the commissions were issued?

Mr. McLENNAN. There was not. In fact it has been a common custom in those two countries for the sheriff to give the officials of the coal companies signed commissions, leaving the name blank for the operators to fill in the name of the deputy sheriff.

Chairman WALSH. Were there protests made by citizens at any time against the practice?

Mr. McLENNAN. There has been general protests. I do not know of any specific protests. These facts have been made public in the press and elsewhere. A few months prior to the strike we got a list of the number of deputy sheriffs in those counties, and I believe [paper handed witness]—I have got a list here in Huerfano County. We have also got a list for Las Animas County. And there are close to a thousand men deputized in those two counties. That included the companies' gunmen, a great many of their bosses and a number of their employees.

Chairman WALSH. At what date were there a thousand men so deputized in those counties?

Mr. McLENNAN. The lists that we have got cover possibly two or three years, so that we could not say that all of them were still in the employ of the companies. But those lists were secured about probaly three months prior to the strike.

Chairman WALSH. Were you down in the field yourself, Mr. McLennan, after the strike was called?

Mr. McLENNAN. Part of the time.

Chairman WALSH. What was your personal observation with reference to the conduct of the deputy sheriffs or mine guards, and also the conduct of the pickets of the union?

Mr. McLENNAN. The union pickets, all of them that were arrested in the southern Colorado field—I saw 75 of them brought in one day to Trinidad, with a machine gun behind them, and several men armed on each side, and a few men in front.

Chairman WALSH. When was that with reference to the calling out of the militia?

Mr. McLENNAN. That was about three weeks or so before the calling of the militia.

Chairman WALSH. Is there an antipicketing law in the State?

Mr. McLENNAN. There is.

Chairman WALSH. What experience of a personal nature did you have there?

Mr. McLENNAN. Prior to the strike?

Chairman WALSH. Prior to the strike; yes.

Mr. McLENNAN. I went to Trinidad in December, 1911. When the United Mine Workers decided, at the request of the miners of that section, to take up actively the work of organizing, an official of the Colorado Fuel & Iron Co. visited the business men of Trinidad and requested them—or the members of the chamber of commerce called a special meeting. At that meeting this official, as I understand, urged the business men to prevent us from staying in the town of Trinidad. The chamber of commerce refused to accede to the quest of the coal companies. It was at that time, on January 1, that the Baldwin-Felts men were first deputized in Las Animas County.

Chairman WALSH. Now, did you have personal experience in the field after the militia were called out?

Mr. McLENNAN. I was just going to recite a few instances that occurred, to show the actions of the guards during the year prior to the strike. The coal operators started immediately to discharge every man who they thought belonged to the union. During the year 1912 there were approximately 1,200 men discharged because they were suspected of belonging to the union. On March 17 of that year the St. Peter's Servian Society, a fraternal order, was holding its meeting in Delagua when two companies of mine men broke into their meeting and ordered them to take their charter off of the wall. They took their charter off of the wall and took it from Delagua to Ludlow, and the next day every man who attended that meeting who was working in Delagua was discharged. One of the superintendents of the Colorado Fuel & Iron Co. made it a practice of holding up men at the point of a gun, who applied for work, and searching them for cards.

Chairman WALSH. Who was that?

Mr. McLENNAN. That man's name was Graham.

Chairman WALSH. His first name?

Mr. McLENNAN. Robert Graham. Men who applied for work were sent to the superintendent's office. When they got inside of the superintendent's office somebody pulled a gun on them and told them to hold their hands up, and another man searched them to see if they had a card. One of the mine workers' sympathizers, Mike Laboda, was sleeping in the room of a friend at the Ravenswood mine in Huerfano County, and he was taken out of bed at midnight and mercilessly beaten and shots fired around him, and he was told to leave the city or they would kill him, and he recognized two of the officials of coal companies as his assailants and two guards. I would say that one of the officials whom he recognized has since been promoted by the Colorado Fuel & Iron Co. The district attorney absolutely refused—

Chairman WALSH (interrupting). Who was the man?

Mr. McLENNAN. Charles Keiser, the man whom he identified as his assailant. The district attorney absolutely refused to prosecute in that case. We took the matter up with the governor, and he instructed the attorney general to prosecute, but the matter has never come to prosecution yet. Those are some of the occurrences that happened during the year prior to the strike—simply a few of them.

Chairman WALSH. Did the society that was broken up discuss labor matters at all or have anything to do with industry? Commissioner Lennon requested me to ask that.

Mr. McLENNAN. They did not.

Chairman WALSH. What, generally speaking, nationality belonged to it?

Mr. McLENNAN. The Montenegrins.

Chairman WALSH. And how general was it throughout the mine neighborhood?

Mr. McLENNAN. I believe that nearly all the Montenegrins in this State at that time belonged to that society.

Chairman WALSH. What was the general nature of it?

Mr. McLENNAN. A fraternal, beneficial organization.

Chairman WALSH. Did it have an insurance feature?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. And charitable features?

Mr. McLENNAN. Yes; it was charitable.

Chairman WALSH. Proceed now, if you have any others, and if not I would like to direct your attention to the time after the militia was called in, as to any personal experience you may have had in the field.

Mr. McLENNAN. I had very little personal experience with the militia, except that I was arrested by them a few times.

Chairman WALSH. Give the circumstances of your own arrests.

Mr. McLENNAN. The first time I was arrested was two days after the Ludlow affair. I got in communication with Denver and stated that the militia absolutely refused to allow any Red Cross nurses to go to Ludlow, or any other outsider except the militia, and we were anxious to find out whether there was still anyone alive in those pits. We thought that women might be lying wounded there, and that we ought to at least be allowed to go and make an investigation. The matter was brought to the attention of Lieut. Gov. Fitzgerald, who was then acting in Gov. Ammons's place, who was out of the city, and he called me up in Trinidad and stated that certainly we would be allowed to go to Ludlow to make arrangements with the Red Cross. He requested me to call up Maj. Hamrock, who was in command at Ludlow at that time, and inform him what the conditions were. I did so, and the following day another load, that is, seven altogether, went out under a Red Cross flag.

When I got to Ludlow I was walking around with the rest of the members of that party, when two militiamen came and arrested me and searched me and marched me down to the depot, and I was held there a considerable time until they received orders from Maj. Hamrock to release me.

Chairman WALSH. How long were you held there—any considerable time?

Mr. McLENNAN. That day possibly three hours. Two days after that I was coming from Walsenburg to Trinidad—

Chairman WALSH (interrupting). Did you demand to know the accusation against you?

Mr. McLENNAN. They did not make any accusation.

Chairman WALSH. Did you demand to know the reason for your arrest from the individual who arrested you?

Mr. McLENNAN. No, sir.

Chairman WALSH. Proceed.

Mr. McLENNAN. Two days after I was traveling from Walsenburg to Trinidad, and when the train stopped at Ludlow the militiamen came into the train and told me to get off. I got off and was turned over to Lieut. Linderfelt at that time, who proceeded to search me and took all the papers that I had. He searched my grip and took all the papers away. I was held in the depot all night.

Chairman WALSH. Were these papers returned to you?

Mr. McLENNAN. They were.

Chairman WALSH. They were, you say?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Proceed.

Mr. McLENNAN. The following day I was taken to the militiamen's camp and held there until the governor ordered my release. I would say that during the day the members of the militia, who, I was told by my guard, were mine guards, made repeated threats to shoot me.

Chairman WALSH. What language was used?

Mr. McLENNAN. Very vile, foul language.

Chairman WALSH. Where were you at the time?

Mr. McLENNAN. I was in the cookhouse of the militia.

Chairman WALSH. Was there any other prisoner there?

Mr. McLENNAN. No, sir; I would say that there were prisoners around there, but not where I was.

Chairman WALSH. Not in this cookhouse?

Mr. McLENNAN. No, sir.

Chairman WALSH. What did the guards say to you? Just use their language, what did they say?

Mr. McLENNAN. Well, one man said: "You son of a bitch, I would like to take a shot at you right now." He had his gun in his hand at the time.

Chairman WALSH. Proceed.

Mr. McLENNAN. That was practically all the actual experience I have had with the militia.

Chairman WALSH. Did you have anything personally to do in the conferences that were had prior to the ordering out of the militia? Were you a member of any committee that protested against the calling out of the militia?

Mr. McLENNAN. I was.

Chairman WALSH. When was it with reference to the time the militia was called out?

Mr. McLENNAN. I believe I was one of the party that met with Gov. Ammons about half an hour before the militia was ordered out—protesting against the sending out of the militia.

Chairman WALSH. Now, when the militia went into the field, what was the attitude of the strikers toward the militia, and what was the conduct of the militia toward the strikers?

Mr. McLENNAN. The attitude of the miners was friendly toward the militia, particularly friendly.

Chairman WALSH. What was the attitude of the militia toward the men at the beginning?

Mr. McLENNAN. The attitude of the militia was friendly toward the miners for some time.

Chairman WALSH. What was the beginning of the bad feeling that afterwards seems to have existed?

Mr. McLENNAN. The bad feeling started when it became generally known that the militia were assisting in the importation of strike breakers in violation of the State law; also when it became known that they were recruiting the militia from the mine guards.

Chairman WALSH. Was that a fact? Did they recruit the militia from the mine guards?

Mr. McLENNAN. It was.

Chairman WALSH. To what extent?

Mr. McLENNAN. I believe that testimony has been produced that they enlisted as many as 20 in one bunch.

Chairman WALSH. When the militia arrived in the field did they call for the arms and ammunition that was in the hands of the strikers?

Mr. McLENNAN. They did.

Chairman WALSH. Was it turned over to the militia?

Mr. McLENNAN. So far as I know, the most of it was turned over to the militia.

Chairman WALSH. The strikers arrested—the strikers that were arrested before the militia came into the field, did the United Mine Workers of America take any means to defend those men?

Mr. McLENNAN. They did. They retained attorneys to defend them.

Chairman WALSH. Who were the attorneys?

Mr. McLENNAN. The chief attorney is Horace Hawkins, of Denver. Trinidad got Mr. Clark.

Chairman WALSH. What did you find the relations to be between the civil and military authorities of Las Animas and Huerfano Counties?

Mr. McLENNAN. So far as the miners were concerned there was absolutely no relations. The military authorities displaced the civil authorities.

Chairman WALSH. Prior to the calling in of the militia, were the arrested strikers given prompt hearing and protected in their constitutional rights?

Mr. McLENNAN. Prior to the calling in of the militia?

Chairman WALSH. Yes; those arrested charged with picketing, and other charges.

Mr. McLENNAN. The 75 men, who were arrested, were discharged.

Chairman WALSH. Were there any others arrested, do I understand, than these 75?

Mr. McLENNAN. Yes; there was a number of men who were arrested outside of the 75.

Chairman WALSH. Were the men arrested for other offenses than picketing prior to the calling in of the militia in those two counties—Las Animas and Huerfano Counties?

Mr. McLENNAN. Yes.

Chairman WALSH. How great numbers? Approximately how many were arrested?

Mr. McLENNAN. There were not many; I can not remember the numbers.

Chairman WALSH. What were the charges against those who were arrested?

Mr. McLENNAN. I don't recollect the charges; in fact, there have been so many of them arrested without any charges being preferred against them.

Chairman WALSH. How long were the 75 retained in custody?

Mr. McLENNAN. I think it was about a week.

Chairman WALSH. Was there any charge placed against them in any court?

Mr. McLENNAN. No; the matter never came to court.

Chairman WALSH. Were they arraigned in any court?

Mr. McLENNAN. They were not that I know of.

Chairman WALSH. Were they arrested upon warrants?

Mr. McLENNAN. Not that I am aware of.

Chairman WALSH. And what was the outcome of it; they were just simply discharged?

Mr. McLENNAN. They were discharged.

Chairman WALSH. Where were they confined during the time they were in custody?

Mr. McLENNAN. In the county jail.

Chairman WALSH. By what order were they released from custody?

Mr. McLENNAN. I am not aware; I believe it was simply on order of the sheriff.

Chairman WALSH. Of the sheriff himself?

Mr. McLENNAN. Yes.

Chairman WALSH. On what order were they arrested, if you know?

Mr. McLENNAN. On the order of the sheriff.

Chairman WALSH. I believe you say they were brought in in a whole squad, and were you present at the time they were brought in?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Was the sheriff personally in charge of the officers—in command of the officers that had them in custody, and had this machine gun?

Mr. McLENNAN. No, sir; he was not.

Chairman WALSH. Who seemed to be in command?

Mr. McLENNAN. The Baldwin-Felts guards.

Chairman WALSH. Did you know the individuals who were the Baldwin-Felts guards?

Mr. McLENNAN. I knew some of them; I knew Mr. Felts and Belk and Belcher and Mr. Cunningham.

Chairman WALSH. Were those individuals in the party that arrested these 75 men?

Mr. McLENNAN. Belk was there.

Chairman WALSH. What relation did he have to the Baldwin-Felts Detective Agency?

Mr. McLENNAN. He was one of their chief representatives.

Chairman WALSH. How many men, officers and others, were in charge of these 75 men?

Mr. McLENNAN. There were probably seven or eight, all mine guards. There were no county officers there that I know of.

Chairman WALSH. Well, you were personally acquainted with the sheriff, were you?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. At this point we will take an adjournment until 2 o'clock. (At this point an adjournment was taken until 2 p. m.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. McLennan, will you please resume the stand?

TESTIMONY OF MR. JOHN McLENNAN—Continued.

Chairman WALSH. I think you had finished the answer to the last question I had put to you when we adjourned.

Mr. McLENNAN. Yes.

Chairman WALSH. Will you please give us a brief account of what is known as "The Mother Jones case"?

Mr. McLENNAN. Mother Jones came to Colorado some time prior to the convention of September 23.

Chairman WALSH. At the request of any person, or of her own volition?

Mr. McLENNAN. Of her own volition, absolutely. She stayed here for some time.

Chairman WALSH. Generally speaking, who was Mother Jones? What had her activities been in the past?

Mr. McLENNAN. Mother Jones has devoted her entire life toward the uplifting of the workers, not particularly to the miners, but all trades-unions.

Chairman WALSH. Was she considered in a friendly and affectionate—did the workers have a friendly and affectionate attitude toward her, or otherwise?

Mr. McLENNAN. They have. They considered her, as all workers consider Mother Jones, as their friend, their benefactor. She came back to Colorado on January 4 from El Paso, Tex. I happened to be in Trinidad the day she arrived. She got into Trinidad about 8 o'clock in the morning; was met by a detachment of militia, taken to the Columbian Hotel, and held there until the Colorado Southern train arrived about 9.30. She was placed on the train by the militia and deported out of Trinidad. She came back to Trinidad again on January 12, I believe. She was arrested and taken to the San Rafael Hospital and held there for nine weeks. No one was permitted to see her except her attorney.

Chairman WALSH. Who was her attorney?

Mr. McLENNAN. Harris N. Hawkins.

Chairman WALSH. Her attorney was provided by your organization?

Mr. McLENNAN. Yes, sir. Steps were taken to have her released, by suing for a writ of habeas corpus. And as soon as the matter reached a condition where a court was liable to act on the proposition she was released. She was arrested again when she returned to the South some time in March and at that time was taken off the train; she was not allowed to continue to her destination. She was taken off the train and placed in jail in Walsenburg in the basement of the courthouse there, and kept until April 8, after the supreme court had issued a writ of habeas corpus, citing her to appear, or citing the military authorities to bring Mother Jones before them on a certain date. Instead of bringing her before the court they released her. That is practically all in regard to Mother Jones during this strike.

Chairman WALSH. Have you any first-hand knowledge—first, did Mother Jones demand a hearing at any time while this was going on?

Mr. McLENNAN. Mother Jones demanded a hearing, but, so far as the officials of the union are concerned, she was never able to communicate with any official of the union after she was arrested. No union official was permitted to see her or to talk to her. The first time, when she was deported, I was at the Trinidad depot. There was a troop of cavalry there and a company of infantry guarding the depot. I went there purposely to see Mother Jones, and intended to go on that train part of the way. I was stopped by the militia from going on the platform. And I knew one of the officers, Col. Davis, and told him I intended to go on the train. "Well," he says, "In that case, all right; go ahead." I went to the ticket office for the purpose of buying my ticket. Mother Jones was there in custody of two militiamen. I shook hands with Mother Jones and started to talk to her, when some officer of the militia called out, "Don't let him talk to her." The men who had Mother Jones in custody told me, "You can not talk to Mother Jones." So I did not buy a ticket and did not go on the train, realizing I would not be allowed to talk to her even on the train.

Chairman WALSH. Have you any first-hand information—any personal information—as to the personnel of the National Guard that were on strike duty? That is, personal knowledge of the individuals who constituted it?

Mr. McLENNAN. No; I am not personally acquainted, with the exception of some of the officers.

Chairman WALSH. Have you any personal knowledge—did you make any personal investigation of the situation at Ludlow?

Mr. McLENNAN. The first information I received of the Ludlow affair was from the women who were waiting at the Ludlow depot on the morning of the 21st. I was on the train that went through the day after the Ludlow affair. They told me that their camp was deliberately attacked.

Chairman WALSH. I thought I tried to confine your testimony to any personal knowledge which you had, Mr. McLennan? In this particular case I do not call for hearsay.

Mr. McLENNAN. I was not in Las Animas County on April 20.

Chairman WALSH. And you did not get off the train there at any time that day?

Mr. McLENNAN. No.

Chairman WALSH. Were you in Ludlow at any time afterwards?

Mr. McLENNAN. I was in Ludlow on the 22d.

Chairman WALSH. For the purpose of making some sort of an investigation?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Who accompanied you?

Mr. McLENNAN. I was with probably about—I think probably about seven persons accompanied me. One was the Rev. Dr. Cook, of Trinidad.

Chairman WALSH. Did you make any investigation there?

Mr. McLENNAN. The purpose of my visit to Trinidad was—or to Ludlow, rather—was to find out, along with the members of the Red Cross Society, whether there were any people in the camp who were wounded and needed assistance, and also to find out how many were dead in that colony.

Chairman WALSH. Now, you may state briefly the result of the personal investigation you made.

Mr. McLENNAN. Before I was arrested I had an opportunity to go into what we now term the "black hole" of Ludlow, and I saw 11 women—the 11 children and 2 women in that cellar.

Chairman WALSH. When was that?

Mr. McLENNAN. That was the 23d of April.

Chairman WALSH. The corpses had not been removed at that time?

Mr. McLENNAN. They had not been removed. The militia had refused permission to remove them. In fact, when the undertaker's wagon went out there they turned the machine gun on the wagon and they had to turn back, and it was not until the orders by the governor that anyone was permitted to go into Ludlow.

Chairman WALSH. What further, if anything, did you observe there, Mr. McLennan?

Mr. McLENNAN. I did not have an opportunity to observe any more because of the fact I was under arrest most of the time.

Chairman WALSH. What were the circumstances of your being under arrest? Oh, this was the instance to which you have referred?

Mr. McLENNAN. The first time I was arrested; yes.

Chairman WALSH. When were the corpses of the children removed and who removed them?

Mr. McLENNAN. They were removed that day—on April 23.

Chairman WALSH. Who removed them?

Mr. McLENNAN. They were removed by the Hall undertaking establishment, who were working for the organization.

Chairman WALSH. For your organization—the United Mine Workers?

Mr. McLENNAN. Yes.

Chairman WALSH. Now, before I get too far away from that subject, does Mother Jones receive compensation from the unions in these places to which she goes?

Mr. McLENNAN. At the present time she is receiving an organizer's salary and expenses from the United Mine Workers of America.

Chairman WALSH. How long has that situation existed?

Mr. McLENNAN. I don't know just exactly, but it has been for several years.

Chairman WALSH. She was an organizer of the United Mine Workers at the time she came here then, Mr. McLennan?

Mr. McLENNAN. She was.

Chairman WALSH. What is her compensation?

Mr. McLENNAN. Four dollars a day and expenses.

Chairman WALSH. Is that the compensation of all of the organizers of the United Mine Workers?

Mr. McLENNAN. With the exception of the international board members.

Chairman WALSH. Did she receive any other or further compensation at the time she was in the field in Colorado than what you have mentioned?

Mr. McLENNAN. No, sir; and I would suggest in that connection that during the time that Mother Jones was in the custody of the militia that she did not accept any salary or expenses.

Chairman WALSH. From your experience, Mr. McLennan, in these difficulties can you suggest any plan by which the State militia can be used to maintain peace and protect property without prejudicing the rights of either party to the controversy?

Mr. McLENNAN. I believe that if the militia would enter a strike zone in the same open-minded spirit that a policeman goes on his beat that the rights of neither party would be prejudiced. If the officers and the men of the National Guard would preserve that impartiality which characterizes the ordinary peace officers there would, in my opinion, be no infractions of the law, other than the ordinary violence that exists in the average community.

Chairman WALSH. There have been constant complaints that the peace officers favored one side or the other from the peace zone. From your observation, is that or is it not a fact?

Mr. McLENNAN. It is a fact. In fact, the office of the sheriff of Las Animas and Huerfano Counties after the strike was declared was turned over entirely to the coal companies. The peace officers were the Baldwin-Felts detectives. They were all commissioned by the sheriff. I think there were about 700 of them in the field right after the strike was declared. The office of sheriff in those two counties has been used entirely for the benefit of the coal operators and against the miners.

Chairman WALSH. Why does that situation exist, if you have observed? Why should they favor one side or the other?

Mr. McLENNAN. The reason, in my opinion, why they favored the coal operators is because they depend now and have depended for 10 years upon the coal operators for their election to office.

Chairman WALSH. Are these miners that are there citizens of the United States?

Mr. McLENNAN. A great many of them are; they are not all.

Chairman WALSH. Well, in what way has that control which you claim been expressed?

Mr. McLENNAN. The coal companies have exercised absolute political control over their employees. They have ordered them to vote for certain candidates. They have controlled the elections in those two counties by every method that is known to the corrupt politician; and the independent miner, the man who would express an opposition to any of the coal companies' selections for office would immediately be discharged from those coal mines.

Chairman WALSH. Have you with you, Mr. McLennan, the correspondence which passed between your office and the national headquarters of the United Mine Workers with reference to the calling of this strike?

Mr. McLENNAN. There was no correspondence that I know of between our office and the national organization.

Chairman WALSH. Would you be aware of it if there had been such correspondence?

Mr. McLENNAN. I would be.

Chairman WALSH. What is the method by which money for strike benefits was raised by the national organization and sent into Colorado?

Mr. McLENNAN. It was raised by an assessment of 50 cents per member on the entire organization.

Chairman WALSH. Just one assessment of 50 cents?

Mr. McLENNAN. Fifty cents per month.

Chairman WALSH. Oh, 50 cents per month. What was the amount of weekly benefits extended to the persons on strike?

Mr. McLENNAN. Three dollars per man, \$2 for a woman, and 75 cents for a child in part of the district.

Chairman WALSH. Per week?

Mr. McLENNAN. Per week. There was a difference in the rest of the district because of the fact that in southern Colorado the organization furnished a doctor and coal and every other necessity outside of the actual money for relief.

Chairman WALSH. How many strikers—what was the total number of strikers throughout the entire strike to whom benefits have been paid?

Mr. McLENNAN. The reports, as I stated, that we received at headquarters were that 11,232 were on the relief at the inception of the strike. Now, what the number has been at various times since then and now the secretaries of the organization would be in the best position to furnish.

Chairman WALSH. You mean the national secretary?

Mr. McLENNAN. The district secretary.

Chairman WALSH. The district secretary?

Mr. McLENNAN. Yes, sir.

Chairman WALSH. Would you please get that information, or request the secretary to transmit it to our clerk?

Mr. McLENNAN. I will.

(In a letter dated December 11, 1914, Mr. McLennan submitted figures as follows: At beginning of strike, about 11,200; at present, approximately 5,700.)

Chairman WALSH. Could you tell us the total amount of benefits that have been paid up to date, since the beginning of the strike?

Mr. McLENNAN. No; I have not got the figures at hand.

Mr. WALSH. Could you approximate it?

Mr. McLENNAN. I believe it is somewhere around \$3,000,000 since the strike was called in 1910 in the northern field. I haven't got the figures with me at all.

Chairman WALSH. Could you furnish those figures to us?

Mr. McLENNAN. I can furnish those figures exact.

(Mr. McLennan, in a letter to the commission, dated December 11, 1914, gave the following information: "Exact figures as to total amount of benefits up to date since beginning of strike, to and including November 28, 1914, \$3,718,769.84.")

Chairman WALSH. What salaries were received by officials of the union in charge of the strike? Begin with the first one and go right down.

Mr. McLENNAN. International Vice President Hayes received \$2,500 a year—did receive that amount when the strike started. Since then the salary has been increased.

Chairman WALSH. To what amount?

Mr. McLENNAN. I believe it is \$3,300, I think; I am not certain.

Chairman WALSH. Now, the other officials?

Mr. McLENNAN. All the organizers and officials outside of the national board members receive \$4 a day and expenses.

Chairman WALSH. Did you pay strike benefits to nonmembers of your organization that went out on strike, the same as to members?

Mr. McLENNAN. There were no nonmembers. We consider that every man who struck was a member of our organization, whether he was in good standing or not at that particular time.

Chairman WALSH. What was the total amount that was paid out for arms and ammunition during the strike on the part of the workmen?

Mr. McLENNAN. We have no record of the total amount.

Chairman WALSH. Could you approximate it?

Mr. McLENNAN. No, sir.

Chairman WALSH. How were they purchased?

Mr. McLENNAN. They were not purchased by any individual in the organization.

Chairman WALSH. Has there been any effort made by yourself or any other official that you know of to ascertain the exact amount of arms and ammunition that were purchased and where they were purchased?

Mr. McLENNAN. There has been an effort made by our office to furnish to the congressional committee the exact amount of money that was spent for arms and ammunition. We have furnished that amount as near as we were able to the committee after they left here.

Chairman WALSH. Have you acquired any additional information since you furnished that to the congressional committee?

Mr. McLENNAN. We have not.

Chairman WALSH. Could you submit to us the same information that you did to the congressional committee?

Mr. McLENNAN. We can.

Chairman WALSH. Will you hand it to the clerk, please?

(In a letter to the commission dated December 11, 1914, Mr. McLennan gave the amount spent for arms and ammunition as approximately \$7,100.)

Please state what, if any, action your organization took after the Ludlow affair?

Mr. McLENNAN. There was no action taken by the organization.

Chairman WALSH. Was there any change in the attitude of your organization after that time so far as the purchase of arms and ammunition was concerned?

Mr. McLENNAN. There were probably more arms and ammunition purchased immediately after Ludlow than at any other time during the strike.

Chairman WALSH. To what extent did it increase, if you know?

Mr. McLENNAN. I am not in a position to state to what extent.

Chairman WALSH. It has been stated that your organization received telegrams and letters offering assistance in forcible resistance to the authorities. Have you any such telegrams?

Mr. McLENNAN. There are no telegrams—

Chairman WALSH. Have you letters?

Mr. McLENNAN (continuing). Offering assistance to resist the authorities. There were probably telegrams offering to assist in defending the miners and their wives and children from the attacks of the guards and the militia.

Chairman WALSH. From whom were those telegrams received?

Mr. McLENNAN. I am not in a position to answer that question, but that information can be furnished to the committee. In fact——

Chairman WALSH. A great deal of it has been published in the public press.

Mr. McLENNAN. Yes; it has.

Chairman WALSH. Have you all of the correspondence, letters, and telegrams upon that subject, at your headquarters?

Mr. McLENNAN. I believe that all of the correspondence can be found in headquarters.

Chairman WALSH. Will you allow our clerk to have access to that so that copies can be made for our record?

Mr. McLENNAN. We will.

Chairman WALSH. Was there any correspondence passed between you and the national headquarters of your union in regard to the arming of the strikers?

Mr. McLENNAN. There never was any communication on that particular purpose.

Chairman WALSH. There are none such in existence that you know of?

Mr. McLENNAN. No; there is not.

Chairman WALSH. How many men did you say went out on the strike?

Mr. McLENNAN. Eleven thousand two hundred and thirty-two.

Chairman WALSH. How many remained in the mines?

Mr. McLENNAN. There were approximately—there are, I think, 15,000 men working in the State; that is, including the men who work in and around the coke ovens.

Chairman WALSH. I suppose you can tell us offhand, just put it in the record here, what was the list of demands that the convention of Trinidad made prior to the strike?

Mr. McLENNAN. I have got the list. First, we asked recognition of the union, which we characterize as a State law, but not enforced.

Chairman WALSH. I wish you would define the different understandings, if there are different understandings, as to the meaning of the term "recognition of the union"?

Mr. McLENNAN. Recognition of the union, as I understand it, is their recognition by the employers of the right of the workingmen to bargain collectively for the sale of their labor.

Chairman WALSH. Now, what does that involve? Does it involve a closed shop and the check-off system, or not?

Mr. McLENNAN. Not necessarily.

Chairman WALSH. Would the permission not to discriminate against members of the labor union, and to allow the employees of a particular industry to organize a grievance committee to present the claims for wages, hours, and conditions and such like to the employers, be called a recognition of the union? Has it been so considered?

Mr. McLENNAN. It would to a certain extent be a recognition of the union.

Chairman WALSH. And is that involved, that sort of system which seems to obtain in some industries, would that be construed and has it been construed as a recognition of the union?

Mr. McLENNAN. It would be.

Chairman WALSH. That is, not to discriminate against men on account of belonging to unions, and to allow the formation of grievance committees in that particular industry, it has been construed by your organization and other labor organizations as a recognition of the union at times, has it?

Mr. McLENNAN. It has.

Chairman WALSH. So that when the demand for recognition of the union is spoken of it does not necessarily entail the closed shop and the check-off system?

Mr. McLENNAN. It does not.

Chairman WALSH. What are the initiation fees and dues in the United Mine Workers of America?

Mr. McLENNAN. The initiation fees, except where a special dispensation is granted, is \$10 per member to the United Mine Workers of America.

Chairman WALSH. Was there or was there not a dispensation granted in this field?

Mr. McLENNAN. There was.

Chairman WALSH. Is there a dispensation usually granted when an extra effort is made to organize men?

Mr. McLENNAN. There is.

Chairman WALSH. And particularly prior to a strike?

Mr. McLENNAN. Yes.

Chairman WALSH. What are the dues of the organization?

Mr. McLENNAN. The dues vary in different districts. In this district——

Chairman WALSH. What are they in this district?

Mr. McLENNAN. Fifty cents per member per month.

Chairman WALSH. Fifty cents per member per month?

Mr. McLENNAN. Yes; that is, during the continuation of this strike, 50 cents assessment added to this.

Chairman WALSH. Is there a fining system in your organization, a system of fines?

Mr. McLENNAN. There is no particular system of fining. But there is a provision in our constitution where members can be fined for a violation of our by-laws or a violation of our agreement with the operators.

Chairman WALSH. Please state your entire disciplinary machinery; that is, what machinery you have for assessing punishments of any kind against members for infractions of the rules and violations of contracts?

Mr. McLENNAN. In some districts we have a provision in the contract that members shall be fined, in some cases \$5, and in some cases \$10, if they are found guilty of being a party to closing down a mine in violation of our contract.

Chairman WALSH. What has been the policy of the United Mine Workers of America in reference to keeping and maintaining contracts made with employers?

Mr. McLENNAN. Our policy has always been to live strictly to the provisions of our agreements with the operators.

Chairman WALSH. Now, unless there is something that I have omitted, or that you desire to volunteer, Mr. McLennan, I——

Commissioner BALLARD. I did not get quite clearly what he meant by "recognition of the union."

Chairman WALSH. Mr. Ballard would like you to explain what is meant by "recognition of the union." Will you give your own definition of it?

Commissioner BALLARD. When you made reference to the complaints to the operators, the first demand was recognition of the union. I did not quite understand what you meant by that.

Mr. McLENNAN. We meant recognition of the United Mine Workers, in our original request.

Chairman WALSH. I believe I did not follow up all the demands. Commissioner O'Connell would like to ask you a few questions.

Commissioner O'CONNELL. Are these companies operating the companies' stores yet?

Mr. McLENNAN. They are.

Commissioner O'CONNELL. Where are they being operated? In what towns or mining camps?

Mr. McLENNAN. They have a store in nearly every mining camp in southern Colorado—the Colorado Fuel & Iron Co. and the Victor-American Co. Also the Colorado Fuel & Iron Co. has a store in Trinidad.

Commissioner O'CONNELL. Is that a violation of the State law?

Mr. McLENNAN. I don't know that the running of a store is a violation of the State law, but it is a violation of the State law to compel their employees to trade at those companies' stores.

Commissioner O'CONNELL. Are there other stores in the places where these companies' stores are located?

Mr. McLENNAN. There are not.

Commissioner O'CONNELL. Would it be possible for a man to go into one of these towns and open, for instance, a grocery store or a clothing store?

Mr. McLENNAN. It would not be possible.

Commissioner O'CONNELL. Couldn't find buildings, for instance? Why wouldn't it be possible?

Mr. McLENNAN. Where the towns are incorporated, the coal companies have absolute control of the town. The mayor of the town, the chairman of the school board, etc., is usually the superintendent of the mine.

Commissioner O'CONNELL. The mayor of the town?

Mr. McLENNAN. The mayor of the town is the superintendent of the mine. We have an instance in one of the Victor-American Fuel Co.'s towns where a barber owned his own place of business in Delagua. After the strike was

called he was accused of being in sympathy with the strikers. He was ordered to leave the town, and so far as I know he has not been able to get back yet.

Commissioner O'CONNELL. Do the companies operate other businesses than these stores? For instance, are there saloons in these towns?

Mr. McLENNAN. Yes.

Commissioner O'CONNELL. Who operates the saloons?

Mr. McLENNAN. My understanding is that the saloons are rented to outside individuals.

Commissioner O'CONNELL. By whom?

Mr. McLENNAN. The coal companies.

Commissioner O'CONNELL. Are the licenses taken out by the coal companies to operate these saloons?

Mr. McLENNAN. No; the licenses are taken out in the name of the saloon keeper, as a rule, but my understanding is that they must be acceptable to the coal companies; that is, the operator decides who is going to run that saloon, and the operator can get a license for anyone, no matter who it is, so long as he is acceptable to the operators.

Commissioner O'CONNELL. From whom can we get the information as to just how that is carried on? Who would be the proper person to know about that saloon matter?

Mr. McLENNAN. I do not know. You could not get any information that would be derogatory to the coal operators from the average peace officers in Las Animas or Huerfano Counties.

Commissioner O'CONNELL. You could not get any information from anybody in these counties that would be derogatory to the coal companies?

Mr. McLENNAN. From the average peace officers; you could from independent citizens not in sympathy with the actions of the coal companies.

Commissioner O'CONNELL. Well, from the judges, or courts, or whoever grants licenses, for instance? Who grants the licenses?

Mr. McLENNAN. The county commissioners.

Commissioner O'CONNELL. Well, the county commissioners, would not they give us reliable information as to how these licenses are granted?

Mr. McLENNAN. I don't believe they would, because the county commissioners have been for years, practically, you might say, employees of the coal companies.

Commissioner O'CONNELL. Are they elected by the citizens of the community?

Mr. McLENNAN. They are supposed to be.

Commissioner O'CONNELL. There is an election held, at least?

Mr. McLENNAN. Yes; there is an election held.

Commissioner O'CONNELL. And all these peace officers and all these officers holding positions of authority otherwise are employed by the coal companies?

Mr. McLENNAN. Practically all.

Commissioner O'CONNELL. Do you know anything as to the prices that are charged in these stores, as compared with Denver or other cities in this vicinity of the State?

Mr. McLENNAN. I don't know at the present time what the prices are, but from investigations that were made several years ago we concluded that they were charging about 30 per cent more than the average stores.

Commissioner O'CONNELL. In the case of deaths, accidental deaths, how are the coroner's juries impaneled and what are usually the decisions of the coroner's juries?

Mr. McLENNAN. The coroner is usually, or has been for the last 15 years, in league with the coal companies in those particular counties. There is no particular method of impaneling a jury. Some of these coroner's jurymen have been on the jury for about 20 years—as long as they lived. The coroner's jury usually is the same during his entire term. Usually the juries are composed of officers of the coal companies.

Commissioner O'CONNELL. And what is usually their verdict?

Mr. McLENNAN. The verdict is always—there have been only one or two exceptions—the verdict has been that the company has been exonerated from all blame.

Commissioner O'CONNELL. What is the opinion of yourself and the other officers of the miner's organization as to the causes of these deaths?

Mr. McLENNAN. Our opinion is that these deaths are due, in a great many cases, to the neglect of the companies to enforce the mining laws; in other cases to the hiring of inexperienced miners. I believe that those are the two

greatest contributing causes to the deaths that have occurred in the mining regions of this State.

Commissioner O'CONNELL. Is there an apparent effort to keep about a certain percentage of the various nationalities employed all the time? In other words, to keep 25 per cent of one language and 25 per cent of another, and so on? To keep that conglomerated state of different-speaking nationalities employed? Is there an effort to keep that separation?

Mr. McLENNAN. The coal companies have never concealed the fact that that was their intention. They place an Italian working alongside of a Greek, a Croatian working alongside of an Austrian, and so on down the line of 22 or 23 different nationalities. Their purpose is that no two of them shall get together and discuss their grievances.

Commissioner O'CONNELL. Do the men in charge, the foremen and superintendents speak these various languages?

Mr. McLENNAN. They do not.

Commissioner O'CONNELL. By what method are the men scientifically managed and the business handled? How are they directed? Are they just turned in and let loose?

Mr. McLENNAN. They are turned loose to do the best they can. In some cases they have a member of the different nationalities who can speak some English, but the chief requirement of a pit boss or superintendent, up until this recent mining law was passed, was that he was able to handle a gun. I mentioned to one of the officers of the Colorado Fuel & Iron Co., when that law was in process of enactment, that if that law was passed, their superintendents would have to carry something else besides a gun, and he said, "What is that?" I said, "A certificate of competency as a miner." The chief power that was necessary for a mine boss for a good many years has been the ability of the mine boss to bulldoze men, and, when necessary, pull a gun on them. There has been absolutely no law in southern Colorado for 10 years except the law of the coal operators, and that has always been administered at the muzzle of a gun.

Commissioner O'CONNELL. Do the laws of Colorado require that the miner shall be paid semimonthly?

Mr. McLENNAN. They do.

Commissioner O'CONNELL. Are they paid semimonthly?

Mr. McLENNAN. I believe they are now since the strike, and some time prior to the inauguration of the strike, but the law was enacted about 10 years prior to that and there was absolutely no attention paid to that law.

Commissioner O'CONNELL. In answer to a question from the chairman regarding the salaries paid to your organizers and Mother Jones and others and your general executive board, and those you enumerated—those salaries are paid by the entire membership of the United Mine Workers of America and not by the district organization?

Mr. McLENNAN. They are paid by the organization at large in the United States and Canada.

Commissioner O'CONNELL. They are paid by the national organization and not by the Colorado organization?

Mr. McLENNAN. They are.

Commissioner O'CONNELL. All these salaries and organizers' expenses?

Mr. McLENNAN. Yes, sir.

Commissioner O'CONNELL. And your board members' salaries are all paid by the national organization and not by the Colorado district organization? I want to get that into the record.

Mr. McLENNAN. That is right.

Commissioner O'CONNELL. Were these mines being operated under the eight-hour law in accordance with the requirements of the law, prior to the strike?

Mr. McLENNAN. They were not.

Commissioner O'CONNELL. Were the three companies commonly known as the three large mines, operated under the eight-hour law?

Mr. McLENNAN. They were not. I can state in regard to the eight-hour law that there was an eight-hour law enacted in 1905. Mr. Osgood, before the congressional committee, testified with a whole lot of pride that he and not Senator Guggenheim emasculated that eight-hour law. The operators have always fought to the extent of their ability the enactment of every law that was presented by organized labor in this State. The eight-hour law of 1905 was changed to the extent that it applied only to the men who were mining coal; it left out the company men, the mule drivers, machine men, etc.

The coal companies, when that law went into effect, complied with it for possibly a couple of weeks; after that was over they paid no more attention to it, and have not complied with it until the law went into effect in 1913.

Commissioner O'CONNELL. Then they were not complying with even what they thought the law applied to at the time the strike occurred?

Mr. McLENNAN. At the time the strike occurred they were making an attempt to comply with some of the law.

Commissioner O'CONNELL. At the time, then, when your demands were made?

Mr. McLENNAN. At the time we started organizing or started a campaign to organize in 1912—January, 1912. The miners in April of that year were demanding that the national organization assist them in financing a strike. They were ready to strike in 1912, in April.

Commissioner O'CONNELL. Well, if the laws were not being carried out, the laws as to these stores, the laws as to the discharge of union men for being union men, and the eight-hour law, and these mine investigations and all that, if these laws were being violated, what effort was made to get the proper officials to enforce the laws, and why were they not enforced?

Mr. McLENNAN. We took the matter up several times with the governor of Colorado and he stated that he was absolutely powerless to enforce the laws in those counties unless he could get some assistance from the civil authorities in those respective counties. Since that time, however, there has been a decision by the Supreme Court of Colorado to the effect that the attorney general can go into any particular county and act as prosecutor.

Commissioner O'CONNELL. When was that decision rendered?

Mr. McLENNAN. I believe it was about two years ago.

Commissioner O'CONNELL. Well, has he proceeded under the law, then, in the cases?

Mr. McLENNAN. He has proceeded to prosecute the miners. I have no knowledge of him prosecuting the operators.

Commissioner O'CONNELL. What was the case in which that decision was rendered, and who were the judges that gave that decision?

Mr. McLENNAN. I haven't got—I don't recollect the particular instances. How I recollect that such a decision was rendered was when one of our organizers was assaulted and almost killed in Huerfano County by men whom we recognized as two deputy sheriffs and one superintendent and another assistant superintendent of the coal companies. I went personally to the district attorney at that time and urged him to prosecute the case. He did not refuse to prosecute. If I remember correctly, he said he would take it up with his deputy in Walsenburg. The deputy in Walsenburg told the organizer that he could not do anything for him, that he had no right to be there. We took the matter up with Gov. Shafroth, and he instructed the attorney general at that time to make an investigation, and if he found it necessary to institute a prosecution; but the case never has been brought to a prosecution that I know of.

Commissioner O'CONNELL. In your chronicling the number of strikes which had taken place in the State of Colorado, I notice you mention one particular county where nearly all these strikes have occurred—away back.

Mr. McLENNAN. Yes, sir.

Commissioner O'CONNELL. What was that county?

Mr. McLENNAN. Fremont.

Commissioner O'CONNELL. Fremont County. What was the particular reason for these strikes all starting in Fremont County? Were the mines located there in the early days?

Mr. McLENNAN. In those early days the largest number of mines were located in Fremont County—in those early days.

Commissioner O'CONNELL. Do you know the history of the United Mine Workers' organization, as to its organization, its claimed date of birth, and so on? I am speaking now of the international organization.

Mr. McLENNAN. Yes.

Commissioner O'CONNELL. Do you recall the time that it is claimed to have been first organized as an international organization?

Mr. McLENNAN. I believe it was organized in 1890.

Commissioner O'CONNELL. Yes; I think you are correct. In the testimony given by Mr. Osgood, now, without going into this thing in detail—this stenographic report here—I have in answer to a question from me to Mr. Osgood as to whether there were any particular kind of organization that he would recognize, he having said that he would not deal with the United Mine Workers of America under any circumstances, and that more than 30 years ago he had left

Iowa because of a similar refusal or trouble he had, and had sacrificed \$400,000 or more because of trouble he had with them there. The point I want to ask you is, Was the United Mine Workers of America in existence 30 years ago as an organization?

Mr. McLENNAN. It was not. I would like to say in reference to Iowa that I believe Iowa has not had a strike in 14 years. In fact, I don't believe they have had any trouble in Iowa since Mr. Osgood left there.

Chairman WALSH. Any other questions? If there are no questions, that is all; thank you, Mr. McLennan. You will be excused.

Mr. James H. Blood. Oh, Mr. Blood is in court, I believe. Mr. Curtis; will you please take that chair, Mr. Curtis?

TESTIMONY OF MR. W. W. CURTIS.

Chairman WALSH. State your name, please.

Mr. CURTIS. Walter W. Curtis.

Chairman WALSH. What is your business?

Mr. CURTIS. I am an engineer by profession and am president now of the Rapson Coal Mining Co.

Chairman WALSH. Where are the mines of that company situated?

Mr. CURTIS. We have two, one situated in Las Animas County, just across the Huerfano County line, the railroad station being at Rugby; the other is at Colorado Springs.

Chairman WALSH. How many men are employed in those mines?

Mr. CURTIS. Variable, of course, with the weather. We have now, I should say, at Rapson No. 1, which is at Rugby, 140 or 150 men. At Colorado Springs we have only about 75 at the present time.

Chairman WALSH. How long have you been engaged in the mining of coal?

Mr. CURTIS. If you refer to the company, about 14 years. If you refer to me, only directly in active mining during the last year and a half. I have been a stockholder six or seven years, but only actively engaged in the management of it for the last year and a half.

Chairman WALSH. Have you had any interest in or anything to do with coal mines in other States than Colorado?

Mr. CURTIS. No, sir.

Chairman WALSH. I have been informed that you are working under an agreement with the United Mine Workers?

Mr. CURTIS. We are.

Chairman WALSH. When did you first sign an agreement with the United Mine Workers of America?

Mr. CURTIS. Well, I think we first signed an agreement with them 8 or 10 years ago, but the conditions under that were so unsatisfactory that very shortly—I can not say how shortly, but after a year or two—it was abandoned. The present agreement was made following the strike of September, last year.

Chairman WALSH. Now, what were your reasons for entering into this agreement, Mr. Curtis?

Mr. CURTIS. Necessity.

Chairman WALSH. What was the necessity?

Mr. CURTIS. Our Colorado Springs mine has but a short life left in it. It is on leased ground and the ground is pretty thoroughly worked out, and it has but a couple years of life left in it. We did not feel that we were justified in engaging on a long and expensive fight for the amount at issue. Then some of our competitors in the Springs showed a disposition, and announced their determination, to sign the contract, and we felt obliged to follow suit.

Chairman WALSH. Could you give us a concise statement of the terms of your agreement with the union?

Mr. CURTIS. Oh, I would not attempt to. We will file a copy of it, if you would like. It is the same agreement that is in existence, I think, with all the mines that are operating under union conditions.

Chairman WALSH. Well, we have that already.

Mr. CURTIS. Yes.

Chairman WALSH. Has your mine been operated successfully or unsuccessfully under the union agreement?

Mr. CURTIS. We have managed to make money, if that is success.

Chairman WALSH. Do you consider it possible to mine coal successfully in Colorado under the conditions contained in the agreement with the United Mine Workers of America?

Mr. CURTIS. We have done so during the past year, and I see no reason why it should not be done, provided those conditions could be lived up to and enforced.

Chairman WALSH. Are they being lived up to and enforced?

Mr. CURTIS. They are not.

Chairman WALSH. In what particular is the failure found?

Mr. CURTIS. Well, the difficulty that we have to contend with is the peculiarities, to put it mildly, of the men in the mines. Now, I told you we had two mines. In Colorado Springs we have a good class of men, a number of men who have been with us a great many years. We had two mines there, one operated by a different company—the Curtis Coal Mining Co.—up until two years ago, when it was destroyed by fire. The consequence is that we have a large force there of men who have been with us for a great many years and who have been picked. They are good, faithful men, who make no trouble for us, for themselves, or for anybody else. In the southern field we have a different and an inferior class of labor to contend with. There we have had a great deal of difficulty in the way of minor annoyances from the men in the interference of the pit committee with the operation of the mine. However, usually we have managed to keep the committee under control.

In the Colorado Springs mine there has never been a complaint come to me or any appeal come to me from the men until, oh, perhaps a month or two ago, when the pit committee wanted to present some matters to me, which I took up with them. But there has never been during the past year any difficulty in that mine in the way of conflicts between the miners and the superintendents or the pit boss which necessitated appealing to me. This one which came to me a month or two ago was simply a request of the men for some modifications of the conditions of the contract which existed between us and the United Mine Workers. Most of those requests I refused, because they were in violation of their own agreement, and there was no difficulty whatever about it. In the south I have never had any appeal made to me by the men. You will perhaps remember, if you have looked over the contract between the union and the operators, that that contract provides for the settlement of disputes between the pit boss and the individual miner through the pit committee and the superintendent or the pit committee and the boss first. If they are unable to reach an agreement, then it is supposed to go to the local officers and the superintendent. In case of failure to get satisfaction there, it goes to the district officers, I believe, and the owners of the mine—officers of the company. Now, I never had a case come to me. There was one case where Mr. McLennan, representing the union, and I got together on a point, but that really was not an appeal, or at least I did not consider it so, and we settled it without any difficulty.

I want to say, by the way, that so far as the officers of the union are concerned we have had no complaint whatever to make. Mr. McLennan has always shown himself ready and willing to consider anything brought to him and to do what he could to see that we got fair treatment and that the miners properly performed their part of the contract. However, we have had a great many cases of interference in the southern mine on the part of the pit committee, and that has recently eventuated in a matter which may compel us to sever our connection altogether with the union.

I have some papers here which I would like to submit, because I think if this commission is going into this question and if union labor in this field is to be a success it can only come about by the maintenance of the rights of both parties to the contract and absolute fairness on the part of both sides to the contract. Now, incidentally, I want to show what kind of men we have had to deal with. I have here—

Chairman WALSH (interrupting). I will ask you right there, before you start on that, Mr. Curtis, what proportion of English-speaking miners have you in your mines?

Mr. CURTIS. Practically all speaking English to a greater or less degree. I counted up some months ago, took the pay roll and went through the names, and judging by the names, which is not always a safe criterion, I figured that probably 80 per cent of our miners were foreign born, and probably pretty near that per cent represented men with—well, relatively little knowledge of English. Now, that last is an assumption on my part, which I have never verified, but a large per cent of our miners are foreign born. Probably all can speak English to a greater or less extent; some of them, however, very little.

One of the real difficulties—the real and sole one we have—is in the individual irresponsibility of the individual miner and the apparent inability of the union to control the miner. Now, I have a report here from the mine clerk of the southern mine, in which he says:

"I find on inquiry that the union, since October 15, 1913, have had six checkweighmen, and at one time, when one of them was sick, the president of the pit committee took it, and they kicked worse than ever. They said he robbed them. They have had, as near as I can find out, 14 presidents. No one will keep it, as they are supposed to butt into everybody's business. I was told by one that he took it, thinking he could hold them down, but he gave it up in a month as a bad job. The present one is anxious to get out, as I understand."

Now, I speak of that because I think it illustrates the difficulty of an operator in his attempt to deal with men of that character. They can not even keep peace among themselves. Now, the incident I want to call attention to is this: On November 20 in the daily report there was a note to the effect that "There was a man killed at the Rugby mine"—the Rugby mine is an adjoining mine working nonunion—"last night, and some of our men went to see him. The consequence was that the pit committee would not let them work to-day because they went to see a scab."

I immediately took that matter up. I first wrote to Mr. McLennan, calling his attention to the fact, and advised him that we could not permit any such interference with the operation of the mine. If the pit committee was to determine who was to work and who was not to work, and if they were to prevent our using men and getting the service out of them because of their visiting some poor fellow who had been killed or going to see his remains, I was done with that pit committee, and I proposed to discharge them; but before discharging them I wanted him to make an investigation, and if he had any protest to make or any reason to give why those men should not be discharged to let me know it. Mr. McLennan wrote me after a few days that he had been away and had taken the matter up by phone and had advised the men if my information was correct they were entirely unjustified in their interference, and he is to advise me further. In order that there might be no question of this, I have made some additional inquiries. I have a report from the general superintendent of the mines, who was there that day. I also have a letter here, or a paper, which reads as follows:

"On November 18, 1914, a particular friend of ours was killed at the Rugby mine. We went to see the corpse. Next day when we returned to work at the Rapson mine the pit committee notified the drivers not to give us the cars to load coal for the reason of going to see this man who was killed."

It is signed by 12 men. Now, if we have got to let the pit committee run our business, we are going to fire the pit committee and everybody connected with that and responsible for that. We are responsible for that mine and for the operation of it, and I don't propose to have the pit committee exercising any authority there.

Another little matter may be of interest. Here is a notice, one of several of which was posted at the mine, dated November 25, 1914: "There will be no work to-morrow, except for," and so forth.

I have no reason to suppose that the union will support the pit committee in any such proceeding as that. Whether they will agree with me that these men should be disciplined by discharge I do not know. That I will find out. Now, the feeling on the part of the men is that orders of the pit committee go. With the exception of such interference as those which I have cited instances of, and this is the worst one that we have had, we have had no serious difficulty. The other things have simply been annoyances which we have been able to overcome, which exercise and tax our patience. I realize fully that we are dealing with an ignorant lot of men—an ignorant class of men. They have not any conception of what the rights of the public or the rights of the operator may be, and they haven't had power in their own hands long enough to be sobered by it, but it is a little hard on the operator.

Chairman WALSH. How long have checkweighmen been employed at your mine?

Mr. CURTIS. I don't know.

Chairman WALSH. Were they employed at your mine prior to this year?

Mr. CURTIS. I think so; yes. I think they were employed—my recollection is they were employed some time prior to the strike.

Chairman WALSH. Under what sort of an organization did the men agree on a checkweighman at that time?

Mr. CURTIS. Well, if I am correct in that—I wouldn't be positive of it, because I am not sure—it was simply by their selection.

Chairman WALSH. I was going to ask you if there is any difference in the proportionate tonnage for which you pay miners, whether it has been increased after the employment of the checkweighmen.

Mr. CURTIS. No. There is a lot of talk—loose talk—about the miner not getting pay for the coal he mines. I am not prepared to make any statement for anybody's mine but my own, but I know that the trouble with us is to get the coal sold and on the books for which we pay the miners. As a general proposition there is a shortage at the end of the month, instead of a surplus. We have a check on that. We know how much coal we send to the boilers; we know how much we sell the miners locally; we have our car weights—we also have the pay roll itself. The troublesome thing that bothers me is to find the coal I paid the miners for and not to find the surplus.

Chairman WALSH. What is the difference between your wage rate and the wage rate of nonunion mines?

Mr. CURTIS. I do not know what the wage rate in nonunion mines is. We pay for men underground, \$3.45. My understanding is that the present scale for the most of the nonunion men is \$3.30; but I haven't any personal information to that effect.

Chairman WALSH. Can you give a comparison of the wages paid to other classes of men?

Mr. CURTIS. Such as what—inside and outside men?

Chairman WALSH. Yes.

Mr. CURTIS. No; I do not know what they are. I could not give you any personal information; I haven't the knowledge.

Chairman WALSH. Do you believe it is practical to maintain checkweighmen without organization?

Mr. CURTIS. Yes. I don't see any reason in the world why they should not be so maintained.

Chairman WALSH. Well, how would they select their checkweighmen?

Mr. CURTIS. Just as they do now—by vote.

Chairman WALSH. They would have just to take——

Mr. CURTIS. Take a vote of the workmen as to whom they want for checkweighman.

Chairman WALSH. Well, if the matter turns out the way you say it does when they have a checkweighman, and if there is a basis for the contention on the part of the miners that they ought to have this checkweighman, and there seems to be some restlessness because they don't have them, there is no reason why that should not be accorded in all mines, is there?

Mr. CURTIS. Why, absolutely none. The State law calls for it. If the State can't enforce its own laws, it better get another administration that can.

Chairman WALSH. How were your earnings in the past year compared with former years when you operated under nonunion conditions?

Mr. CURTIS. Well, I can't give you very satisfactory information on that. I will give you what I can.

Chairman WALSH. Please do.

(See Curtis exhibit.)

Mr. CURTIS. The reason I say that is this: Ours is but a small mine at the best. We are mining now in our southern mine about 8,000 tons a month. We could produce 10,000 in a month if we had a market for it. But during this last year we have been able to operate with a reasonable force all during the year. In past years we have generally found it necessary to shut down for two or three months in the spring and early summer, because of the fact that we could not mine and sell coal at the prices at which it was being marketed during what is known as the early storage period. Then, for two years prior to last fall—that is, the fall of last year—we were seriously embarrassed by two things which handicapped our production: One was the inability to secure cars in which to make shipment. The other was in the inability to secure miners. In each of those years we had in the beginning of the fall-winter season a reasonably good number of miners, but we were unable to get cars with anything like reasonable service. And the consequence was we lost many of our miners who went to other mines, where, for some reason or another, the railroads were a little more free in distributing the cars. The consequence was that during those two years, 1911 and 1912, we operated the southern mines under very unfavorable conditions. We were short of men, we were short of orders, and short of cars; when we had plenty of orders, we had

no cars. All of that affects not only the earnings of the men, but it affects also their production.

Now, in anticipation of the possibility of some such question as you have asked, I have looked over some of our pay rolls for preceding years and attempted to pick out months when the tonnage made the figures approximately comparable. I noticed that in December, 1910, at Rapson No. 1 mine, 40 miners earned for the month \$82.15 apiece, average. That was their gross earnings. Their net earnings were \$53.35. I also notice, however—

Chairman WALSH. What is the difference between gross and net?

Mr. CURTIS. Sir?

Chairman WALSH. What is the difference between gross and net, what constitutes the difference?

Mr. CURTIS. From the gross earnings are deducted the amounts which are charged to the men during the month, either for powder and oil, or for rent, or for coal we furnish them, or for orders given them on stores to buy supplies. Now, that really means nothing unless you know what the deduction represents. But simply as a matter of information, that shows that those 40 miners averaged a net, after deduction of everything that was charged to them, whether it was powder and oil or whether it was orders on stores for groceries and meats, \$53.35 at the end of the month, net. I noticed also that 10 of those men averaged \$130.27 as gross earnings. I have selected the 10 highest-paid miners on the list. Those men are paid by the ton. I do that for this reason, that the average earnings of the miners is misleading. Some miners are good miners, and some are bad. Some are dissolute and unsteady, and some are steady men. Taking of the 40 miners the 10 highest-paid men for the month, the maximum pay was \$179.55, while the average, as I said, was, for the 10 men, \$130.27, showing what men could do if they wanted to.

Now, we paid at that time to drivers, and I presume to practically all men working inside the mine, \$2.95 a day for nine hours; outside men were paid \$2.10 per day, and two or three boys we paid \$1 a day. Those were small, half-grown boys, doing a boy's work. The average production per man for that month was 79.7 tons. That is another thing that if you take into consideration must be taken with an understanding of the conditions of the mine. We have thin veins of coal. They run from some places less than 3 feet to 3½, and very rarely over 4 feet. The consequence is we have a great deal of rock work to do. The entries all have to be, of course, higher than is represented by the thickness of the vein, and the consequence is we have to take out a great deal of rock and have a great deal of narrow work, which is expensive. The 79.7 tons of coal at the mining rate would represent materially less than the men earned, because in addition to the pay they received for the coal they produced they also were paid for their yardage and rock work.

In the first half of September, 1913, that was the first 15 days preceding the strike, we had 33 miners at that time in that mine. The average wages of those 33 miners was \$38.30 for the half month. That would make \$76.60 for the full month, at the same rate. Twelve miners, however—12 out of the 33—averaged for the half month \$61.96, which would have made their wages at the same rate approximately \$124 for the month. I haven't here anything which indicates the net wages; that is, the net earnings. Those were the gross earnings.

Now, at that time we were paying for inside men \$3—for certain inside men, \$3.12; and other men inside, 39 cents per hour; outside men we were paying \$2.20 a day; and picker boys, \$1. At the present time—I have taken the last half of October of this year—the first 50 men on the roll, all but 9 of whom were miners, the balance being company men, and not salary men, would, on the average, get \$50.80 for the half month. That would be \$101.60 as their monthly earnings. Their net earnings were \$45.95, on the average; that is, after deducting all orders given, charges against them for powder and for oil, and their union dues, and their doctor, and everything else, their average net earnings were \$45.95. I have selected out of that 50, 14 miners whose average earnings were \$65.42 for the half month.

Now, I haven't anything representing here the average deductions, but I have made a memorandum of the total amount charged up for the half month for stores. Stores with us represents that which we sell the men—powder and oil; practically nothing else. There were 94 miners, and the total stores charged against them was \$136.95. That is very much less than it was in December, 1910, and the reason for it was that last spring I got sick of having coal all shot to pieces in violation of the State law. When spring came along we had a great many more miners than usual, and I issued orders that those

men were to mine their coal. It has been a case of mine their coal or get out. Consequently many of these men produced a large tonnage without spending a dollar's worth of powder; don't use any powder; mined it instead.

I may add to that that this October, 1914, statement shows that for the last half of the month the miners have reached 45.9 tons per man. That is in addition—

Chairman WALSH. What is that last?

Mr. CURTIS. The average amount of coal mined per man for the last half of October of this year, 45.9 tons per man. That is, as I said before, an entirely misleading fact, unless it is borne in mind, first, that it represents the average—not even the average does not give the net average for all the men—and, second, that those wages correspond to the amount of coal mined, which is supplemented by the rock and narrow work they have done.

Chairman WALSH. Will you have that written out and handed to the clerk?

Mr. CURTIS. I will.

(See Curtis exhibit.)

Chairman WALSH. Commissioner Garretson would like to ask you a question.

Commissioner GARRETSON. There are some figures which I have here, and I will look at them.

Chairman WALSH. What is your conclusion, Mr. Curtis, if you have any, as to the comparison of your earnings under these union conditions and nonunion conditions?

Mr. CURTIS. Average of our earnings?

Chairman WALSH. Yes, sir.

Mr. CURTIS. Well, I haven't any conclusions to offer as to that.

Chairman WALSH. Have you any as to your output and the earnings of the men?

Mr. CURTIS. I don't know whether I quite understand your question.

Chairman WALSH. Could you summarize now your conclusions as to the output and earnings of the men under union and nonunion conditions?

Mr. CURTIS. I understand that some of the men complain that they do not make as much now as they did under the old conditions. My own opinion is that that is not justified by the facts. In 1910 we paid 60 cents a ton for mining coal, and in 1913, prior to the strike, we paid 63 cents a ton for all coal 3 feet and over in thickness and 68 cents a ton for all under 3 feet. Under those conditions, if the men do not earn more, it is because of the fact that they then worked nine hours a day and are now working eight hours a day. That has nothing to do with the union conditions, except the State law forbids us to work men underground for more than eight hours a day.

Commissioner GARRETSON. I want to ask one question. In regard to what you state was the arbitrary attitude of the pit committee, that is the way you described them?

Mr. CURTIS. Yes.

Commissioner GARRETSON. If those men have been working for 10 years in a nonunion mine when they first started in the other, is it not very likely that their arbitrary attitude was due in some measure to their intoxication caused from their first effort to put in operation a successful measure?

Mr. CURTIS. I think that has a great deal to do with it; I think these men are intoxicated with the little success they had.

Commissioner GARRETSON. Responsibility has not cooled them?

Mr. CURTIS. That is it. And I feel that I am doing an absolute injustice, and would be doing an injustice, to the union if I did anything else; that I am doing an absolute justice in disciplining these men, and if the union does not want to back me up in it, I have no further use for the union.

Chairman WALSH. Commissioner Weinstock wants to ask some questions.

Commissioner WEINSTOCK. You have operated under nonunion conditions and also under union conditions?

Mr. CURTIS. Yes, sir.

Commissioner WEINSTOCK. I gather that while you may have found some disadvantages in operating under nonunion conditions you seemingly have discovered that operating under union conditions is not all beer and skittles. Now, summing up the advantages and disadvantages under both conditions, under which of the two conditions would you say the advantages are in the ascendency to the operator?

Mr. CURTIS. Under nonunion conditions absolutely.

Commissioner WEINSTOCK. Under nonunion conditions?

Mr. CURTIS. Yes, sir.

Commissioner WEINSTOCK. Then you operate under union conditions not from choice but from necessity?

Mr. CURTIS. From compulsion.

Commissioner WEINSTOCK. And what do you find to be the disadvantages of working under unionism that makes nonunion conditions the preferable conditions?

Mr. CURTIS. Well, I want to say, as a preface to my answer, that so far as I know we have never been accused, either by the men or by anybody else, of ever doing other than treating our men absolutely fair. Our men have stayed by us and they come back year after year. We have never been accused of short-weighting the men or treating them unjustly. We are operating in a dangerous business. You can not get away from the fact that a man who mines coal and who operates a coal mine is in a dangerous business, and you must have discipline in the mine or you are likely to blow up the mine and property and ruin both. We have these constant interferences with discipline in the mine when we are operating under union conditions. Whether that will continue indefinitely I don't know. From testimony given me by people who have operated in other union fields for years, those things will always continue under union conditions. I think that is perhaps a little extreme; I think we may all learn wisdom, but it will be after you and I are dead. These are some of the respects in which we are suffering and will suffer.

I told you that we have not been able in the past year to make money. That is true, but it has been largely because of the abnormal conditions which have been in existence in this field. Whether I shall be able to make any money next spring, when the storage season comes on, I do not know. There is more coal now than there is a demand for, and I very much doubt it. We have to pay out more money in many cases without any return to the employers. As an illustration, we used to pay the boys, and we only have one or two of them on the outside picking coal in cars, etc. We paid them \$1 a day for nine hours, and we now pay them \$2.05 a day for eight hours. They are not worth any more, but we have to pay them that whether they are worth it or not. In our Colorado Springs mine we had a man that went on duty at the close of the regular hours for the day engineer, and he stayed there all night. All he had to do was to put a little coal in the boiler, and practically his whole function was that of watchman. That was a job that was very much sought after, and we used to pay him \$2.50, where we pay \$5.60 now. We have to put on two men that work eight hours. It is not a State law, but is a union law. And those two men do the work, but do not do it any better than the one man used to for \$2.50. I do not consider that any benefit to the public, or the operator, or anybody else; it is a waste of money.

Commissioner WEINSTOCK. Do we understand you to say you are paying \$2.05 now for service you only paid \$1 for?

Mr. CURTIS. I think that is the correct figure.

Commissioner WEINSTOCK. You mean \$1 a day or \$1 a ton?

Mr. CURTIS. One dollar a day. That is a boy whose sole work is to stand over the coal and pick out the occasional pieces of rock.

Commissioner WEINSTOCK. What difference is there in the selling price of the coal now, when you are paying \$2.05 a day for the service, compared with the selling price of the coal at the time you paid \$1 a day for that service?

Mr. CURTIS. It is lower than it was at some periods and higher than at others.

Commissioner WEINSTOCK. Strike an average, if you please, Mr. Curtis.

Mr. CURTIS. The selling price of that coal is not based on the cost of production of the coal, but on what you can get.

Commissioner WEINSTOCK. At what period were you paying this \$1 a day; how far back?

Mr. CURTIS. Up to the time of the strike.

Commissioner WEINSTOCK. How long ago?

Mr. CURTIS. That was in September, 1913.

Commissioner WEINSTOCK. Prior to that you paid a dollar?

Mr. CURTIS. I think a dollar a day for the boy.

Commissioner WEINSTOCK. Now, you pay more than double for the service?

Mr. CURTIS. Yes.

Commissioner WEINSTOCK. Will that same increase in wage hold good all up and down the line?

Mr. CURTIS. By no means. We were paying \$2.95, I think, for labor inside the mine—work we are now paying \$3.45 for.

Commissioner WEINSTOCK. Could you briefly give us the present wage and the wage before the strike for the different functions? Say, the boys got \$1 a day against \$2.05 now?

Mr. CURTIS. I could not give you that with certainty.

Commissioner WEINSTOCK. Will you be good enough to read off the comparative figures, if you have them?

Mr. CURTIS. My recollection is that we paid \$2.95 prior to the strike for all labor inside the mines.

Commissioner WEINSTOCK. And how much now?

Mr. CURTIS. \$3.45 we pay now; that is the best of my recollection.

Commissioner WEINSTOCK. An increase of about 16 or 17 per cent?

Mr. CURTIS. Yes.

Commissioner WEINSTOCK. Have you any other figures there?

Mr. CURTIS. We paid—where are those memoranda I had?

Commissioner WEINSTOCK. Will you be good enough to furnish the commission with the wage list before and after the strike?

Mr. CURTIS. Yes, sir.

(See Curtis exhibit.)

Commissioner WEINSTOCK. How has the selling price of coal ranged since the strike? Take an average as compared with a corresponding period before the strike.

Mr. CURTIS. I can tell you better than the average. We have sold none of our lump coal since the strike at less than \$2.75 a ton at the mine, because we could not produce it for less.

Commissioner WEINSTOCK. Since the strike?

Mr. CURTIS. Yes.

Commissioner WEINSTOCK. Prior—what?

Mr. CURTIS. We sold it at \$2.25 at a loss.

Commissioner WEINSTOCK. What is the cost of production; what is the cost to land a ton of coal?

Mr. CURTIS. I do not know that I am obliged to answer that question.

Commissioner WEINSTOCK. No; you are not, if you do not wish to do so.

Mr. CURTIS. I would not have any objection to giving it to the members of the commission, but there are too many coal men around here.

Commissioner WEINSTOCK. You are not obliged to answer any questions that would embarrass you. You went on to say that the selling price since the strike has been \$2.75?

Mr. CURTIS. No; that was only a part of my answer, which I did not complete. We have not sold lump coal since the strike at less than \$2.75, nor can we produce it at a price which would permit us to sell it at a less price; that is, lump coal. The storage price for two or three months this last summer was \$2.40, but I would not sell at that price, because I could not produce it at that cost.

Commissioner WEINSTOCK. Give us a little summary of the prices as they have advanced here in this country.

Mr. CURTIS. The storage prices are held low in order to induce the dealers to buy coal during the time of the year when they do not need it, and thus permit us to operate. As the season advances the price usually increases. In August, I think, our price was \$3 a ton for lump coal; in September, \$3.25; and since then and now our price is \$3.50 for lump coal.

Commissioner WEINSTOCK. Will you, for the information of this commission, be good enough, at your early convenience, to present a statement with the following comparable figures: The average wage 12 months before the strike—for the period of 12 months before the strike—and 12 months after the strike; the average selling price of your coal for a period of 12 months before the strike and a period of 12 months after the strike?

Mr. CURTIS. You want the average wage?

Commissioner WEINSTOCK. Yes; the average wage and the average selling price before and after the strike. Will you do that for us, Mr. Curtis?

Mr. CURTIS. Yes, sir.

(See Curtis exhibit.)

Commissioner WEINSTOCK. In the matter of wages, of course, we want the actual wages paid.

Commissioner O'CONNELL. Not the average scale; you want the actual wages?

Commissioner WEINSTOCK. Yes. Now, summing up, I gather that the disadvantages you find in working under unionism are primarily that of friction and the loss of discipline in your organization?

Mr. CURTIS. That is correct.

Commissioner WEINSTOCK. Are there any other disadvantages?

Mr. CURTIS. Well, I think the excessive wages we are required to pay to certain men is a distinct disadvantage.

Commissioner WEINSTOCK. Would that be a disadvantage if those wages were common wages?

Mr. CURTIS. Yes; I think it is a disadvantage to pay any man more than his time and work are worth, based upon a comparison of the work he does with the work other men do and the price at which they do it. In other words, when I am obliged to pay a boy, who can fill the job the minute he has passed the legal age at which he can work at all, \$2.05 a day, I conclude that the public is throwing money away.

Commissioner WEINSTOCK. What is the age of that boy?

Mr. CURTIS. My recollection is that it is 16 years; but I may be mistaken about that.

Commissioner WEINSTOCK. That is the minimum age?

Mr. CURTIS. I think there are others who can answer that question better than I, but I think 16 years is the minimum age; I am not positive about that, however.

Commissioner WEINSTOCK. How much can such a boy earn a day at other occupations?

Mr. CURTIS. When I started to work I earned \$4 a week; that was some years ago.

Commissioner WEINSTOCK. That would be about \$12.60 a week?

Mr. CURTIS. Yes, sir.

Commissioner WEINSTOCK. About \$50 a month?

Mr. CURTIS. Yes, sir.

Chairman WALSH. Commissioner O'Connell will ask you some questions.

Commissioner O'CONNELL. Does the criticism you offer apply to both your mines, as to the general criticism?

Mr. CURTIS. Yes. I do not want to be understood as criticizing the conditions we have in the mines at Colorado Springs to the same extent as in the south. At Colorado Springs we have little of it.

Commissioner O'CONNELL. That is what I want to know, if your criticism, in answer to Commissioner Weinstock, applied to your general dealings with organized labor or whether you were distinguishing between your two mines.

Mr. CURTIS. I do not think I was distinguishing between them in answer to the first question; I think the answer applies to both, but I think it affects us in varying degree at the two mines.

Commissioner O'CONNELL. What do you think is a remedy for that friction and loss of discipline?

Mr. CURTIS. I will have to throw up my hands I don't know.

Commissioner GARRETSON. You have not found it yet?

Mr. CURTIS. No. I am a thorough believer in the idea that we are obliged in this country to have union labor; theoretically, I think it is correct; practically, I have no use for it. I will make myself perfectly plain—that is, based on my experience with union labor.

Chairman WALSH. Commissioner Lennon has a question or two to ask you.

Commissioner WEINSTOCK. Just one more question, please. What is your opinion about the workmen's compensation? How do you feel about it?

Mr. CURTIS. Well, I feel this way. It is a grief to me when I see men injured and killed. Fortunately, I have not had any killed in recent years. It is a grief for me to see men who suffer injury and death to whom there can not be some compensation made. We have not any means of doing it. Our men have the services of a physician, which includes hospital. We are called upon often times to contribute to the support of their families, which we do willingly. But there is no provision for a man who has been injured or perhaps killed and leaves a family. The profits of the business do not warrant it. I carry insurance that costs me a good deal of money; that, however, is not for the protection of the men, but the protection of the mines against suits.

When you ask about compensation laws, I have not studied the compensation laws which have been enacted in this country, the subject generally, so I have no opinions to offer you which would have any value whatever.

Commissioner WEINSTOCK. Which of the two conditions do you think would be the more equitable, that the burden for injuries and accidents shall be borne

by the worker and his dependents, or that that burden should be placed upon the industry?

Mr. CURTIS. You mean the fatalities and the injuries which are not fatal, which are the inevitable result of labor?

Commissioner WEINSTOCK. Industrial accidents.

Mr. CURTIS. Those should be borne by the industry, but they must be borne by the industry in some way that will not put all the small representatives of the industry out of business.

Commissioner WEINSTOCK. Exactly. Now, this further question, Mr. Curtis: Supposing legislation should be devised whereby you and other mine operators, for example, could get insurance at actual cost in connection with workmen's compensation, what would be your attitude toward workmen's compensation?

Mr. CURTIS. If it was insurance at actual cost, which must be borne by the individual operator for the losses incurred in his individual mine, it would not be worth a snap of your fingers, because that loss might wipe him out any minute. Now, I carry insurance up to a limited amount, in other words, perhaps \$15,000 represents the limit of loss which the insurance company is carrying on any single accident in my mine; if there is a loss above that amount, I must bear it. If your proposition of having it at cost means that the individual operator must bear the individual cost resulting from accidents in his individual mine, it is not any good at all. If you spread it over—

Commissioner WEINSTOCK (interrupting). Exactly. The idea would be to have the industrial accident insurance on the same plane it is to-day—that is, each policyholders to pay his premium, but the loss is distributed over all. Now, with that system in operation, what would be your idea?

Mr. CURTIS. I would rather have that than the conditions that exist to-day. One qualifying clause I put in my answer; I specified that was to apply to accidents which were due to unavoidable conditions, it does not apply to unnecessary accidents which are the fault of the individuals hurt. Now, during the last three or four years I do not think we have had more than one death in either of our mines; we have had few at any time. That one occurred three or four months prior to my taking charge of this company. We had two men working, one in the main entry and one in the back entry. The one in the back entry put in a shot which failed to go off, and he took it out and then had some curiosity as to why that shot failed to go. So he took the fuse out and looked at it, and then went back to the first crosscut and called the man who was working in the main entry back to him, and they discussed the difficulty with that fuse, as to why it had failed to go off. They were not satisfied with their examination of it and cut it open, and then to further determine to their own satisfaction why it had not gone off, one took his lamp and lighted it. Well, powder burns pretty quickly, and it burned his fingers. So he tossed it to one side into a can of powder that he had left there, and that man was buried. I do not know why I should pay, or any operator should pay, for that man's loss.

Commissioner WEINSTOCK. If a piece of machinery in your plant is broken by accident or through the stupidity of some one, who pays for it?

Mr. CURTIS. Unfortunately, I do.

Commissioner WEINSTOCK. Exactly; the industry has to bear it.

Mr. CURTIS. Yes; but that is accident, and not carelessness.

Commissioner WEINSTOCK. Then should not the same principle apply to the human machine?

Mr. CURTIS. Yes; theoretically I agree with you absolutely; the only thing is to work out some scheme which is equitable and will not kill the small operator. What we are trying to do in this day is to cultivate the little fellow, and not put him out of business, and I do not know any quicker way to put him out of business than to perpetrate a law which would be an unjust compensation law.

Commissioner WEINSTOCK. Under which of the two conditions have you found a greater number of accidents, working under unionism or nonunionism?

Mr. CURTIS. My answer to that would be under unionism, but that may not be a fair statement to the union workers. These accidents are spasmodic. The old theory is that we have three in succession, and we have had three. We have had but one during this year that I have been satisfied, from the reports given me, were not due to the carelessness of the men hurt. One was an accident to a man by a pocket rock dropping out of the roof, which he could have prevented if he had taken the proper precautions. The most of them

are due to absolute carelessness on the part of the workmen and disregard of the orders of the pit boss. The pit boss would tell him to put up a prop and he would do it when he got ready.

Commissioner WEINSTOCK. In summing up, what answer would you make to the question?

Mr. CURTIS. To the best of my knowledge and belief we have had more accidents under union working than nonunion, and I think that is not due to any deterioration in the class of the men, but deterioration in the discipline of the mines.

Chairman WALSH. Commissioner Lennon has a question or two to ask.

Commissioner LENNON. The instances that you mention are apparently faults of the individual rather than faults of the unions, these instances of friction in your mines; you do not intimate that they were instances caused by any action or any direction of the unions?

Mr. CURTIS. We think they were absolutely, and they were for this reason: I do not charge it up to the officers of the union in Denver; they have not had anything to do with it. I charge it up to the local members of the union. Now, we are not hiring McLennan or Doyle or Hayes; they are not working in my mine; the men working in my mine are the men down at the mine. If you have an organization in which they have to have 14 different presidents in 13 months there is something wrong with the union in that locality. I do not charge it to the United Mine Workers of America as a class, but I charge it to that particular portion of it.

Commissioner LENNON. Is there anything wrong with the union or something wrong in the individuals composing it?

Mr. CURTIS. We are only dealing with the individuals composing the union.

Commissioner LENNON. Who selects the men that work in your mine?

Mr. CURTIS. We do, to the best of our knowledge, as they appear.

Commissioner LENNON. Is the union responsible for the selection made of the men you employ in your mines?

Mr. CURTIS. The union would like to be, but they won't. That question was brought to me recently in which the request was made by one of our Colorado Springs miners that the checkweighman should keep a list of the men applying for work and we should take the men in the order that the work was promised them, and I said, "We will stop that, because we will promise none of them work"; but the proposition was to take the men in the order that they applied and we won't do that.

Commissioner LENNON. Was that ordered by the district union of Colorado?

Mr. CURTIS. No; it was the request of the local union. I simply refused it and said it was a violation of our contract, and they were sensible enough to drop it.

Commissioner LENNON. How do you compare the quality of the men employed in the mining industry now with a number of years ago?

Mr. CURTIS. My experience is of recent years, and I am not qualified to answer that question.

Chairman WALSH. Commissioner O'Connell has one more question.

Commissioner O'CONNELL. Have you joined this new association that was formed of the operators?

Mr. CURTIS. No, sir; but I probably will. I made a motion that a committee be appointed to do something of that kind, but I was out of town on the occasion of their meeting and so far have not joined it and have not seen their by-laws or whatever they prepared as a result of that day's work.

Commissioner O'CONNELL. You do not know anything about the association?

Mr. CURTIS. No, sir; except by hearsay.

Chairman WALSH. Commissioner Ballard would like to ask you some questions.

Commissioner BALLARD. From the testimony of the last witness I became slightly confused as to what is the meaning of "recognition of the union." What do you understand by "recognition of the union"? What do you understand that to mean?

Mr. CURTIS. My understanding of the meaning of "recognition of the union" is to contract with the United Mine Workers of America.

Commissioner BALLARD. You think that is the general acceptance of the term?

Mr. CURTIS. Yes.

Chairman WALSH. Commissioner O'Connell would like to ask another question.

Commissioner O'CONNELL. To do what, for instance? What does that agreement require you to do?

Mr. CURTIS. It requires us to use their men—hold on, I won't say that. The best answer to that question is to take their contract and read it as to what it requires us to do.

Commissioner WEINSTOCK. Are you not at liberty, under your contract, to employ nonunion men?

Mr. CURTIS. Yes, we can employ nonunion men; but God help the man that goes into that mine who does not join the union.

Commissioner WEINSTOCK. But so far as you are concerned, there are no restrictions on them?

Mr. CURTIS. Oh, no; no restrictions placed on them by us.

Commissioner WEINSTOCK. And the matter of the membership of the men rests with themselves?

Mr. CURTIS. Rests with themselves.

Commissioner WEINSTOCK. Does it absolutely rest with them, or are you required to send to Indianapolis their dues?

Mr. CURTIS. We are not required to send them to Indianapolis, but we pay them——

Commissioner WEINSTOCK (interrupting). You keep a list——

Mr. CURTIS. We take his dues out of his wages.

Commissioner WEINSTOCK. So, if you hire a nonunion man, that moment he becomes a union man because you take out his dues and give them to the union?

Mr. CURTIS. I have not had enough curiosity about that to find out.

Commissioner WEINSTOCK. You know, as a matter of fact, Mr. Curtis, whether your organization is all union or only partly union?

Mr. CURTIS. Oh, our men are all union.

Commissioner WEINSTOCK. All union?

Mr. CURTIS. Yes, sir.

Chairman WALSH. Commissioner Garretson wishes to ask you some questions.

Commissioner GARRETSON. I would like to ask you for an expression of opinion, pure and simple, Mr. Curtis, if you feel free to give it, because this is only touching the human side. You have been through both sides. You were nonunion and now you have been regenerated, and you know both sides of the matter. Isn't the greatest objection that the average employer has to dealing with the union the sense of surrendering his last word in the control?

Mr. CURTIS. I think that is very largely true; yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Mr. Ballard has some questions.

Commissioner BALLARD. Mr. Curtis, as Mr. Garretson says, you have been both nonunion and a union man, but some years ago you changed to union labor?

Mr. CURTIS. Yes.

Commissioner BALLARD. And several years ago you discontinued them?

Mr. CURTIS. Yes, sir.

Commissioner WEINSTOCK. I didn't quite understand the reasons you discontinued.

Mr. CURTIS. I did not go into that at length, because that was before my active connection with the company, and I would be giving you only hearsay evidence. I am perfectly willing to go into it at length if you wish hearsay evidence.

Chairman WALSH. We will be glad to have you go into it, as we do receive hearsay evidence when it seems to be of value.

Mr. CURTIS. The reason for discontinuing was the arbitrary and high-handed action of the union. They were, as I understand, interfering radically and seriously with the operation of the mine, and treating even the men unfairly, and were fining some of them excessive amounts, which they were asking this company to deduct from their wages. And it was because of that failure of the union to measure up to its duties and obligations and its possibilities that their use was discontinued.

Commissioner O'CONNELL. Was that the present organization?

Mr. CURTIS. I think so; yes.

Commissioner O'CONNELL. How long ago was that?

Mr. CURTIS. Mr. McLennan could tell you that better than I can. I should say it was 8 or 10 years ago.

Commissioner O'CONNELL. Were the miners then not connected with the Western Federation of Miners?

Mr. CURTIS. Well, I don't like to answer questions that I am not positive about. My understanding is that it was then the United Mine Workers of America; but I don't know how I——

Commissioner WEINSTOCK. How often, Mr. Curtis, do you make agreements with the union, annually or biennially or——

Mr. CURTIS. Well, we made one in September, last year. That was supplemented by a new one made somewhere around September of this year, which is supposed to run for two years.

Commissioner WEINSTOCK. Well, if disputes arise during the life of the agreement, how are those disputes adjudicated?

Mr. CURTIS. There is no method, I think, provided for that.

Commissioner WEINSTOCK. You have no machinery for that?

Mr. CURTIS. Well, I would rather look at the contract and find out. That is the best evidence. If there is any, it is recited in the contract.

Commissioner WEINSTOCK. You have joint grievance committees?

Mr. CURTIS. No.

Commissioner WEINSTOCK. So you have no machinery to deal——

Mr. CURTIS. The machinery is this: As I stated in the beginning of my testimony, if the pit committee and pit boss fail to agree, then it goes to the local officers and the superintendent. If they fail to agree, then it comes to the district officers and to me as the president of the company. If we do not agree, then there is a strike.

Commissioner WEINSTOCK. You have no clause in your agreement providing arbitration in case of not being able to reach an understanding?

Mr. CURTIS. I think not; I think not, sir.

Chairman WALSH. Unless you have some statement that you wish to volunteer, Mr. Curtis, that will be all.

Mr. CURTIS. No; I believe not.

Chairman WALSH. Thank you. You are excused.

Mr. Welborn.

TESTIMONY OF MR. J. F. WELBORN.

Chairman WALSH. State your name, please.

Mr. WELBORN. J. F. Welborn.

Chairman WALSH. And you reside in Denver, Mr. Welborn?

Mr. WELBORN. I do.

Chairman WALSH. And what is your business, if you please?

Mr. WELBORN. I am president of the Colorado Fuel & Iron Co.

Chairman WALSH. How long have you been president of the Colorado Fuel & Iron Co.?

Mr. WELBORN. Almost eight years.

Chairman WALSH. And prior to that time, what was your business?

Mr. WELBORN. I have been with the company almost 25 years in various capacities.

Chairman WALSH. I wish you would begin with the first and just state the various capacities in which you have been engaged with the company.

Mr. WELBORN. I commenced as a clerk in the sales department. I filled the various——

Chairman WALSH. In Denver?

Mr. WELBORN. Yes.

Chairman WALSH. Has all that 25 years been passed in Denver?

Mr. WELBORN. Entirely; yes. I have been employed in the various places in the sales department, up to the office of the vice president, in charge of sales and traffic; and from that I was elected president in the early part of 1907.

Chairman WALSH. How long has the Colorado Fuel & Iron Co., under its present organization, been in existence?

Mr. WELBORN. Twenty-two years.

Chairman WALSH. It is a corporation of what State?

Mr. WELBORN. Colorado.

Chairman WALSH. I wish you would state, as briefly as you can, Mr. Welborn, and in your own way, if you will, the history of the Colorado Fuel & Iron Co., to your knowledge, during the past 25 years, in respect to strikes and labor troubles. Begin with your first knowledge of the first one.

Mr. WELBORN. I think the first strike of which I have memory, after I came with the company in 1890, occurred in 1894. That was the strike that has been referred to a number of times. It was a sympathetic strike, as I understand it. I am quite sure no demands were made in Colorado, but at the time a strike existed in Pennsylvania and perhaps other parts of the East. The men here were called out in sympathy with the workmen in the East. Several hundred men marched from Fremont County—one witness has placed the number at 700—until they reached the southern part of the State—Huerfano and Las Animas Counties. I think the men, or practically none of them in those counties, left their work; but as soon as this large army of men from the northern county put in their appearance the men—at practically a number of mines, anyway—in the south left their work. I don't remember how long that strike lasted. I had no direct connection with the conduct of it or the company's side of it.

Chairman WALSH. Do you recall, as a matter of history, what means were taken to protect property and preserve business in the strike zone?

Mr. WELBORN. My impression is that means somewhat similar to those employed in the present strike.

Chairman WALSH. That is, the militia was called out?

Mr. WELBORN. As to that, no; I think the militia were not called out. The first steps taken were those of employment of guards or deputy sheriffs, or whatever they might have been at that time. You will recall that one witness said or spoke of the Federal troops having been brought into Colorado at the time. I think that was directly in connection with the railroad strike occurring at the time, but they served indirectly as protection to the coal properties in southern Colorado, for the reason that so many of the coal mines are very close to Trinidad and other central points at which the Federal troops were stationed.

Chairman WALSH. Did that strike have any noticeable effect on the conditions in your industry, either as to wages, hours, or conditions, or anything else?

Mr. WELBORN. It had no effect, I think, on wages or hours, because, as I said a moment ago, there were no demands; there was nothing to adjust. As to business, it naturally affected it very materially, but just to what extent—

Chairman WALSH. That is, while the strike was on, you mean?

Mr. WELBORN. Yes.

Chairman WALSH. But did not affect the industry, so far as the relations of your company to its men were concerned?

Mr. WELBORN. No, sir.

Chairman WALSH. Was there any considerable number of men—or do you know that—that finally were left out of employment on account of that strike at that time?

Mr. WELBORN. I don't know, but I am quite sure no considerable number were left out.

Chairman WALSH. Well, unless you can think of some characteristics of that strike that might be significant to our inquiry you may proceed now to the next labor trouble.

Mr. WELBORN. The next labor trouble was the one that occurred in 1903 and 1904. It was called November 9, 1903, and called off by John Mitchell, president, and W. B. Wilson, secretary of the organization, June 2, 1904.

Chairman WALSH. It was called off then?

Mr. WELBORN. Called off; yes. My memory does not serve me as to the demands that were made at that time.

Chairman WALSH. Well, we have them practically agreed upon here by the witnesses, so you may leave that out.

Mr. WELBORN. I don't know—I think I would rather answer what questions you care to ask me.

Chairman WALSH. Very well. The militia were called out in that case?

Mr. WELBORN. I believe they were, some time after the strike was called, in the early part of 1904.

Chairman WALSH. What knowledge have you of the deportation of men at that time?

Mr. WELBORN. I have none.

Chairman WALSH. Any first-hand knowledge?

Mr. WELBORN. No; none whatever.

Chairman WALSH. Did your company have anything to do with it through direct request to have this done?

Mr. WELBORN. I am very sure it did not.

Chairman WALSH. I wish you would give us a brief statement of the organization and operation of the Colorado Fuel & Iron Co., as regards the determination of labor conditions and the control of their labor force. How has your company organized to handle the labor situation?

Mr. WELBORN. There is no special organization in our company for the purpose of handling the labor.

Chairman WALSH. Well, how are the men employed?

Mr. WELBORN. Generally speaking, they are employed by the men at the mines—the superintendent and his pit boss, perhaps. In other cases they may be employed by the division superintendent located at Trinidad.

Chairman WALSH. I wish you would go down from the president, which I take, of course, to be the head of the company, and give me the names of the operating officers.

Mr. WELBORN. Well, the chief operating officer in the fuel department is Mr. Weltzel, manager of the fuel department. Immediately under him in authority is the assistant manager, P. J. Mattison. In the largest district we have what we call a division superintendent, located at Trinidad, J. P. Thomas.

Chairman WALSH. What does he have jurisdiction over?

Mr. WELBORN. Mines in the Trinidad district.

Chairman WALSH. Are there other division superintendents?

Mr. WELBORN. No; we have no other division superintendents. The other mines are enough nearer to our main office, of the department at Pueblo, to make it unnecessary to have a division superintendent there.

Chairman WALSH. Follow on down, then, if you will, please, Mr. Welborn.

Mr. WELBORN. Next after the division superintendent comes the mine superintendent, and then the pit boss, so called, who has immediate charge of the men underground.

Chairman WALSH. Give me a general description of your property in the counties in Colorado in which they are located.

Mr. WELBORN. The names of the mines?

Chairman WALSH. Yes, sir.

Mr. WELBORN. We have in Las Animas County the Marley mine, immediately south of Trinidad; Starkville mine, also south of Trinidad; Engleville mine, very near, which has been idle for a few years; Soplus mine; Tercio; Primera; Frederick; Segundo coke ovens; Berwind mine; Tabasco mine and coke ovens; all of those properties are in Las Animas County.

Chairman WALSH. In Las Animas County?

Mr. WELBORN. Yes. In Huerfano County we have the Rouse mine, the Lester. Ideal, Cameron, Walsen, Robinson, McNally, Pictou. In Fremont County we have Rockvale, Coal Creek, Fremont, and Nonac. In Gunnison we have Crested Butte.

Chairman WALSH. What is that?

Mr. WELBORN. Crested Butte bituminous mine, and an anthracite mine called Floresta. In Pitkin County, the Gulch mine. In Garfield County, the Marion. That constitutes our mining properties.

Chairman WALSH. What is the total number of men employed in your mines when running at full capacity?

Mr. WELBORN. We have had about 6,000 men, in the mines and coke ovens together, and when the mines were running full and the coke ovens had the same.

Chairman WALSH. How many miners have you in your mines now?

Mr. WELBORN. The last figures I saw showed a little over 4,000. That is for the month of October.

Chairman WALSH. How many did you have on September 1, 1913?

Mr. WELBORN. Approximately, 5,500; I should say somewhat less.

Chairman WALSH. When the strike was called on September 23, 1913, how many of your men went out?

Mr. WELBORN. I think somewhere from around 40 per cent of our men went out.

Chairman WALSH. Was there any particular change in the number between the 1st of September and the 23d, when the strike was called?

Mr. WELBORN. I think not.

Chairman WALSH. Was there any considerable number left anticipating a strike?

Mr. WELBORN. A few left immediately before the 23d, and of those who responded to the strike call for various reasons did not leave on the 23d; some

stayed on until the end of that week and then left, and most of them claimed because of the threats that had been made against them.

Chairman WALSH. Well, how many went out on September 23?

Mr. WELBORN. I can't tell. I would have to approximate that very roughly, because we have made no figures, kept no records to indicate just what were in our employ on the 23d of September and what number the next day after, we will say.

Chairman WALSH. I am trying to find out, if I can, how many went out immediately upon the call, and how many went out which you conclude went out on account of being threatened and intimidated?

Mr. WELBORN. Well, there were several hundred, according to my advice, who left because of the threats made against them. Some of them might have left immediately before the 23d. At our Primera mine from April 20 until the 26th of that month, as I remember it, 106 men, I believe, or something over a hundred, left our employ. They were mostly Austrians, and practically all of them, either directly or indirectly, had said to our superintendents and to our other officers whom they had met that they were going to remain at work; they did not believe in the strike; that they were satisfied with the conditions, making good wages, and that they were going to remain. Later they came to the superintendent, singly and in small numbers, and with quite an apparent regret stated that they would have to leave; either they had been threatened, or the family had, or some immediate friend had been threatened, and they requested to tell the friend to go. That condition to some extent existed in practically all the mines.

Chairman WALSH. When was the present wage scale of your company adopted?

Mr. WELBORN. April 1, 1912.

Chairman WALSH. How was that wage scale determined?

Mr. WELBORN. It was determined by an arbitrary advance over the previous immediately preceding scale.

Chairman WALSH. When had a scale been fixed prior to that time?

Mr. WELBORN. January 1, 1907.

Chairman WALSH. And when had one been fixed prior to that time?

Mr. WELBORN. In October, 1902.

Chairman WALSH. There was no advance, then, after the strike of 1904 until 1907?

Mr. WELBORN. None; no, sir.

Chairman WALSH. And what was the advance of 1907?

Mr. WELBORN. The advance of 1907 was an arbitrary of 5 cents per ton at, I think, not all of the mines, but practically all of them—an arbitrary increase of 5 cents per ton, which approximated 10 per cent.

The advance of 1902 had been 5 cents in some mines and 10 in other districts, and materially exceeded 10 per cent increase.

Chairman WALSH. The testimony—

Mr. WELBORN. May I not give you the later advance?

Chairman WALSH. Yes; certainly.

Mr. WELBORN. The one of 1912 was also an advance of about 5 cents per ton, possibly 5 cents at everyone of the mines, and it has amounted to approximately 10 per cent. The percentage of increase in the mining rate in the three advances over the scale existing prior to October, 1902, was 32 in the Trinidad district and something over 40—between 40 and 45—in the next largest district, that in Huerfano County.

Chairman WALSH. Now, by whom was the increase of 1912 determined?

Mr. WELBORN. By the managing officers of the company. It came up in discussion, the advisability of it, I think, first between Mr. Weitzel and myself; no demand had been made for it; no suggestion so far as that is concerned of dissatisfaction of the then existing wages.

Chairman WALSH. What increase was made in the day rates?

Mr. WELBORN. Our day rates, if I remember correctly, were in the most important employments \$2.95, and were increased from \$3.15 to \$3.25. Those rates applied to the timbermen, trackmen, drivers, and blacksmiths.

Chairman WALSH. You say no request had been made by any of the employees?

Mr. WELBORN. No. It has always been our policy to have our wages at such a point, as well as the conditions, general conditions at the mine, that requests, or certainly demands, would not be made upon us.

Chairman WALSH. And prior to the increase of 1912, had there been any individual demands by employees for increase in wages?

Mr. WELBORN. I am very sure there had not been; to my knowledge there had not been.

Chairman WALSH. Why was the increase made?

Mr. WELBORN. Increases generally in wages were being made over the country. Our scale had always been higher than the scale in the union districts with which we were competing; and it was our purpose to keep it higher as long as we could do so and make both ends meet in a business way.

Chairman WALSH. Upon what basis was this increase made?

Mr. WELBORN. Our scale has always been an even number of cents, at an even number of cents per ton—40, 45, 50, or 55. Whenever advances have been made, they have been almost without exception at the rate of 5 cents per ton. There was no particular reason for that, but it was an easy way to make the advance, and usually is approximately 10 per cent.

Chairman WALSH. At this point we will take an adjournment until to-morrow morning at 10 o'clock.

(At this time, 4.30 o'clock p. m., the further proceedings were adjourned until the following day, Saturday, December 5, 1914, at 10 o'clock a. m.)

DENVER, COLO., *Saturday, December 5, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Commons, and Weinstock.

TESTIMONY OF MR. J. F. WELBORN—Continued.

Chairman WALSH. We will proceed. Mr. Welborn, how was the amount of the increase of 10 per cent determined by your company?

Mr. WELBORN. I stated that the increase approximated 10 per cent.

Chairman WALSH. Approximated it.

Mr. WELBORN. It was our practice to make the increase a given number of cents per ton. In almost every instance it was 5 cents per ton.

Chairman WALSH. How was it determined, so far as the persons who received it, the employees, were concerned? What did you consider with reference to them, if anything?

Mr. WELBORN. We felt very sure that the employees, having made no complaint about the wages they had been receiving, would be very well satisfied with an increase of 5 cents per ton, approximating 10 per cent.

Chairman WALSH. Well, did you take into consideration in making the increase the profits that the company was making or the increased cost of living of the employees and matters at that time that might be called social?

Mr. WELBORN. The profits that we might have been making or thought that we ought to make were not a factor in any sense of the word. The general increase in the cost of living was considered by us.

Chairman WALSH. What had been the increase in the cost of living between the two increases?

Mr. WELBORN. Which two?

Chairman WALSH. The increase of 1907 and the increase of 1912.

Mr. WELBORN. I think the increase in the cost of living had not been equal, on a percentage basis, to the increase we made in our wages.

Chairman WALSH. Did you undertake to determine that in some more or less definite way?

Mr. WELBORN. No; we did not.

Chairman WALSH. I wish you would describe what the conditions are in your mines as regards improvements for safety, ventilation, and so forth.

Mr. WELBORN. We have attempted—and, I think, with success—to keep in advance of the law in the matter of safety appliances. In fact, the last law passed in Colorado governing coal mining incorporated many of the practices that had been in vogue in our company for some years. As to improvements, we have not only met the requirements of the trade, but the proper consideration that should be given to the safety of the men.

Chairman WALSH. How are conditions as regards safety and sanitation determined by your company?

Mr. WELBORN. By our experts immediately connected with the operation of our properties.

Chairman WALSH. Just describe the sort of staff of experts you have upon that subject.

Mr. WELBORN. The manager of our fuel department himself is an expert in every feature of coal-mine operation. His assistants, many of them, at least, might be classed, I think, as experts. They have the practical knowledge of the requirements in a coal mine——

Chairman WALSH. Describe—pardon me——

Mr. WELBORN. I was going to say that most of our coal-mine superintendents commenced as coal diggers or in other employment about the mine of a minor character.

Chairman WALSH. Describe the facilities which you have for first-aid service to injured persons in your mines.

Mr. WELBORN. I can't describe in detail our first-aid facilities. One of the witnesses who is to follow me, Mr. Weitzel, can give you that information in detail.

Chairman WALSH. On whose recommendation and for what reason was the change to an eight-hour day made?

Mr. WELBORN. Before I answer that I should like to follow a suggestion just made to me in connection with our operators, and that is——

Chairman WALSH. Very good.

Mr. WELBORN (continuing). That we have in addition to the usual operating staff an inspector whose sole duty it is to examine mines with respect to safety and ventilation.

Chairman WALSH. When was the change to an eight-hour day made in your mines?

Mr. WELBORN. The change to an eight-hour day was made in the early part of 1913.

Chairman WALSH. On whose recommendation and for what reason was the change made to an eight-hour day?

Mr. WELBORN. It was made after a consultation between Mr. Weitzel and other officers of our company. Up to that time an eight-hour day had been in effect for a number of years as to coal diggers only. That applied to something like 60 per cent of all the employees, probably 75 to 80 per cent of those working underground. The law which was passed at the last session of the legislature and which became effective, in fact I think it was—I know it was—passed after the establishment of the eight-hour law and included in addition to coal diggers all other workmen underground.

Chairman WALSH. What had been the attitude of the Colorado Fuel & Iron Co. to the eight-hour law prior to that time?

Mr. WELBORN. We had taken no decisive position in recent years against the passage of an eight-hour law applying to men underground. At the same time, we believed that certain employees might just as well work a little longer with no great danger to themselves.

Chairman WALSH. How are these men employed? Just describe the entire modus operandi for employing workers.

Mr. WELBORN. They make application in the usual way as anyone would seeking employment, usually to the superintendent or pit boss of the mine. They may be employed by either the pit boss or the superintendent. In other cases they are employed by officers higher in rank, the division superintendent at Trinidad, if he happens to know that a certain mine is in need of men of a particular class he will act on his own knowledge and make the employment himself.

Chairman WALSH. What is the reason for the high percentage of the non-English-speaking men working in the mines of the Colorado Fuel & Iron Co.?

Mr. WELBORN. I do not admit that that is true.

Chairman WALSH. I was assuming that on account of what had been said heretofore. Please give us the percentages yourself, then.

Mr. WELBORN. Our last figures show almost 30 per cent of English-speaking people employed in all of our mines. In one important district, or at one or two mines comprising a subdistrict at Walsenburg, the percentage of English-speaking people is 45. I think that will compare very favorably—I am sure that it will—with other coal-mining districts of importance in the United States.

Chairman WALSH. What is your idea that the reason of 70 per cent of them being non-English speaking, regardless of comparison with other people?

Mr. WELBORN. The coal-mining industry in the United States has increased more rapidly than the inclination or desire of English-speaking people to take up that work.

Chairman WALSH. Are immigrants preferred by the companies to residents?

Mr. WELBORN. Most decidedly not.

Chairman WALSH. What record do you make when a man is employed?

Mr. WELBORN. We make a general record of his age, his nationality, take account of the place where he was last employed——

Chairman WALSH (interrupting). On a printed form?

Mr. WELBORN. Yes.

Chairman WALSH. Have you one of those?

Mr. WELBORN. I have not; but I think Mr. Weitzel can furnish you one when he comes on the stand, if you desire it.

Chairman WALSH. Is Mr. Weitzel here now?

Mr. WELBORN. He is. I will ask him to obtain a copy for you before he comes on. Have you one now, Mr. Weitzel?

Mr. WEITZEL. I have none with me now.

(The blank record referred to was subsequently submitted in printed form.)

Chairman WALSH. Please produce one, Mr. Weitzel.

By whom are your men ordinarily discharged?

Mr. WELBORN. By the pit boss or superintendent under whom they are working.

Chairman WALSH. What appeal does the miner have if he thinks he is unjustly discharged?

Mr. WELBORN. He may go as far up the scale in the official list as he desires, and occasionally does, from the division superintendent to the manager or assistant manager. Not infrequently I have complaints myself.

Chairman WALSH. How many did you have, say, during the year 1914, that came to you directly, Mr. Welborn?

Mr. WELBORN. Comparatively a small number; I should say 10 or 12, possibly 15, maybe twice that number.

Chairman WALSH. During the year 1913?

Mr. WELBORN. I have not charged my memory with that, but I should say a similar number.

Chairman WALSH. Did the men come directly to your office?

Mr. WELBORN. Sometimes they did, and other times they have written.

Chairman WALSH. Do you keep a record of those that come to your office?

Mr. WELBORN. No.

Chairman WALSH. When an appeal of that kind is made, what do you do?

Mr. WELBORN. I listen to all the man has to say if he comes to my office and I immediately take the matter up with Mr. Weitzel unless some one else is more available. A very complete investigation of his complaint is made, and if they are justified we correct his——

Chairman WALSH (interrupting). Do you recall any cases where you have reversed the action of Mr. Weitzel and restored a miner to work?

Mr. WELBORN. I have not reversed the action of Mr. Weitzel, because I have never had any complaint of Mr. Weitzel's treatment of the men. Complaints that have come to me have not been taken up with Mr. Weitzel, but for reasons known to the complainants they have come to me first.

Chairman WALSH. Do you recall any case where you have reversed the action of whoever discharged the men and reinstated them?

Mr. WELBORN. There have been instances; I do not know that I can tell the names or the mines at which they occurred. When this condition has developed, or it has been found necessary to reverse the mine employees, the bosses, or whoever they may have been, Mr. Weitzel has taken care of that.

Chairman WALSH. You do not recall any case where you directly ordered the miners back?

Mr. WELBORN. No; Mr. Weitzel would issue that order.

Chairman WALSH. What record is made by your company when a man is discharged?

Mr. WELBORN. I can not tell you in detail. The card which is filled out when he is employed is probably marked with some notation of the discharge.

Chairman WALSH. Was there a large number of your men discharged during the strike of 1904?

Mr. WELBORN. No, sir.

Chairman WALSH. On the ground that they belonged to the union?

Mr. WELBORN. No, sir; they were not.

Chairman WALSH. Are the superintendents of the mine instructed to discharge union men?

Mr. WELBORN. They are not. They are instructed on the contrary not to discharge men because they may belong to the union.

Chairman WALSH. Are they instructed to discharge men whom they consider as agitators or otherwise undesirable?

Mr. WELBORN. That would depend on the extent to which the men were undesirable—were disturbing the working conditions at the mine or the peace of the men at the mine.

Chairman WALSH. Now, that is determined, of course, entirely by the pit boss.

Mr. WELBORN. Not entirely; no. Very probably in an aggravated case he would communicate not only with the superintendent, but that officer might go to Mr. Weltzel or some other general officer in that department.

Chairman WALSH. How many men were discharged on the ground of being agitators or disturbing the peace of other employees following the strike of 1904; say during the year?

Mr. WELBORN. I haven't any record of that, but I should say a comparatively small number; and within my knowledge during the past eight years I can not recall an instance of a man being discharged for that cause. I should not say there had been none, because I assume there have been.

Chairman WALSH. When they are so discharged, are other mining company superintendents or other mines notified?

Mr. WELBORN. If a man is not a desirable employee in one mine, the other mines in our company are usually informed of the fact.

Chairman WALSH. Do you inform the other mining companies?

Mr. WELBORN. No; we do not.

Chairman WALSH. Your company, I believe, has 13 directors?

Mr. WELBORN. It has; yes.

Chairman WALSH. Six reside in Denver and seven in the city of New York?

Mr. WELBORN. Yes, sir.

Chairman WALSH. And where are the meetings of the board of directors held?

Mr. WELBORN. Meetings of the board may be held in New York or in Denver.

Chairman WALSH. Where are they usually held?

Mr. WELBORN. We very rarely ever have a board meeting, or have had very few board meetings except at the time of our annual stockholders' meeting. We have an executive committee composed of five members, four of whom reside in Denver. That committee acts upon most of the important matters that might otherwise come before a board; and their actions are later approved by full meeting of the board.

Chairman WALSH. My question, Mr. Welborn, was where are the meetings of the board of directors usually held?

Mr. WELBORN. I think I answered that.

Chairman WALSH. If you did, I did not hear it.

Mr. WELBORN. They may be held in Denver or New York, and are held in both places.

Chairman WALSH. Well, how many meetings of the board of directors have you had in Denver during the past year?

Mr. WELBORN. During the past year I think we have had but one meeting of the board of directors, and that at our annual meeting in October.

Chairman WALSH. How many meetings have you had in the city of New York during the past year?

Mr. WELBORN. I think no formal meetings of the board in the city of New York.

Chairman WALSH. Last year how many meetings did you have in New York of your board of directors?

Mr. WELBORN. I don't know that we had any.

Chairman WALSH. And last year, how many meetings did you have in the city of Denver of your board?

Mr. WELBORN. I know of one; I don't remember others.

Chairman WALSH. And the year before that, how many meetings of the board of directors did you have in the city of New York?

Mr. WELBORN. I don't recall any; I don't say we had none; we may have had.

Chairman WALSH. How many in the city of Denver?

Mr. WELBORN. The usual meeting at the time of the stockholders' annual meeting, and possibly others.

Chairman WALSH. What was the date of your meeting in the city of Denver in the year 1913?

Mr. WELBORN. About the 20th of October. Our annual meeting day is the third Monday in October.

Chairman WALSH. And last year how many meetings did you have in the city of New York with reference to the business of the company in Colorado?

Mr. WELBORN. I don't know that. I have had until very recently practically no communications with anyone in New York with respect to our business. The chairman of our board, Mr. Bowers, lives in Denver, and he has carried on most of the correspondence with the New York office.

Chairman WALSH. Well, now, who does he correspond with in the New York office?

Mr. WELBORN. Mr. Rockefeller, I think, usually.

Chairman WALSH. Mr. Murphy—do you have any correspondence with Starr J. Murphy?

Mr. WELBORN. I have on occasions corresponded with him.

Chairman WALSH. Any with Jerome Greene?

Mr. WELBORN. Some letters have passed between us; yes.

Chairman WALSH. Have you had any letters or telegrams from Mr. Jerome Greene during the past two weeks?

Mr. WELBORN. I think not. I wouldn't say positively. I have had none of material importance.

Chairman WALSH. Have you had any during the past month?

Mr. WELBORN. I should have to look in my records before I can determine that.

Chairman WALSH. Will you please look at them and let us know after the noon recess?

Mr. WELBORN. Yes.

Chairman WALSH. Have you had any communications, by wire or letter, with Mr. John D. Rockefeller, jr., during the past month?

Mr. WELBORN. Yes; I remember receiving a letter from Mr. Rockefeller a few days ago.

Chairman WALSH. Referring to this trouble here?

Mr. WELBORN. Not at all. If you wish to ask whether or not I have had correspondence with New York concerning this here, I can say I have not.

Chairman WALSH. Have you had any correspondence with Mr. John D. Rockefeller, jr., with reference to the industrial conditions in Colorado during the past month?

Mr. WELBORN. I have not.

Chairman WALSH. Have you had any with Mr. Murphy or Mr. Greene?

Mr. WELBORN. My impression is that during the past month any communications received, such communications as I may have received from them, have not dealt directly with, as you call, the industrial situation.

Chairman WALSH. Well, what do you mean by saying directly?

Mr. WELBORN. Well, I rather assume that when you speak of the industrial situation you have in mind the disturbance here?

Chairman WALSH. Yes.

Mr. WELBORN. Our business is an industrial corporation, and communications might have referred generally to our business, without having any direct reference to the strike situation.

Chairman WALSH. Well, I would like you to explain that a little further, so that I can draw the distinction, and the commission can determine whether or not they desire to see that correspondence themselves.

Mr. WELBORN. I would like to bring the correspondence for your inspection, and you can determine then whether or not—

Chairman WALSH. I wish you would. I hand you a telegram, and I want to ask you whether or not you received it [handing telegram to witness]?

Mr. WELBORN (after reading telegram). I assume that is the telegram published in last night's paper.

Chairman WALSH. It is the one I saw published in all the papers.

Mr. WELBORN. Yes; I received it—I think I recognize that telegram.

Chairman WALSH. How many telegrams have you received from Mr. Rockefeller?

Mr. WELBORN. I would like to call your attention to the fact that this is dated April 30. It has no direct connection with the last question you asked.

Chairman WALSH. What was that?

Mr. WELBORN. About the last month's correspondence.

Chairman WALSH. No; it has no connection with it. I did not intend to give it any such connection, if it appeared to you that way.

Mr. WELBORN. It did not necessarily to me, but I wanted the record to show.

Chairman WALSH. How many telegrams have you received from Mr. John D. Rockefeller, jr., since that time?

Mr. WELBORN. I don't know. I should say I have received several.

Chairman WALSH. A very great number?

Mr. WELBORN. No; not a great number, unless you would call more than 15 or 20 a great number.

Chairman WALSH. Will you please bring those telegrams after the noon recess?

Mr. WELBORN. Do you want to see all of them?

Chairman WALSH. Yes.

Mr. WELBORN. Whether they relate to this matter or not?

Chairman WALSH. If they relate to the business of the Colorado Fuel & Iron Co.

Mr. WELBORN. I would be very glad to show you all of the telegraphic correspondence that I have had with Rockefeller.

Chairman WALSH. If it does not refer to this matter, it will not be introduced in evidence.

Mr. WELBORN. I should not object to your looking it over and reading it, but there might be correspondence that I would not care to have published as that telegram was published last night.

Chairman WALSH. If it does not refer directly to this inquiry, of course, we do not care for it. Do you communicate with any person else in New York with reference to the business of the Colorado Fuel & Iron Co. except Mr. Rockefeller, Mr. Murphy, Mr. Greene, and Mr. Gates.

Mr. WELBORN. Yes. We have other directors, one of whom is Mr. John H. McClements. I occasionally communicate with him.

Chairman WALSH. Any other persons?

Mr. WELBORN. I have on occasions, but very infrequently, communicated with Mr. Gould concerning our affairs. I think not recently, however.

Chairman WALSH. Mr. George Gould?

Mr. WELBORN. Yes.

Chairman WALSH. Have you had any communications with Mr. Gould within the past three months?

Mr. WELBORN. I have not—

Chairman WALSH. Have you had any communications with Mr. Gould—

Mr. WELBORN (continuing). Other than possibly to send to Mr. Gould some formal monthly reports, without comment. But I think I have not even received acknowledgment of those. Certainly no letter relating to our business.

Chairman WALSH. Now, have you received any telegrams or letters from Mr. Jerome D. Greene within the last six months referring to this matter?

Mr. WELBORN. I have had some telegrams from him and some letter, but just what—

Chairman WALSH. I will save time by asking you to bring the letters and telegrams you have received since April 30, or, we will say, April 1.

Mr. WELBORN. Yes.

Chairman WALSH. 1914 down to date, any letters or telegrams that may have passed between your company here, or yourself, and Mr. Jerome D. Greene, Mr. Starr J. Murphy, and Mr. John D. Rockefeller, jr.

Mr. WELBORN. Very well.

Chairman WALSH. Do you have a system of company stores in connection with your mines?

Mr. WELBORN. Yes; we have.

Chairman WALSH. Are they operated by the Colorado Fuel & Iron Co. or another company?

Mr. WELBORN. Directly by the Colorado Supply Co., all of the stock of which is owned by the Colorado Fuel & Iron Co.

Chairman WALSH. That company is a corporation of what State?

Mr. WELBORN. Colorado.

Chairman WALSH. By whom are the prices charged at these stores of the Colorado Supply Co. determined?

Mr. WELBORN. In the main and in a very general way by the store managers.

Chairman WALSH. What is the capital stock of the company?

Mr. WELBORN. Slightly less than \$700,000.

Chairman WALSH. And what are the earnings of the company on \$700,000 worth of stock?

Mr. WELBORN. They have been around 20 per cent per annum.

Chairman WALSH. Around 20 per cent.

Mr. WELBORN. Yes.

Chairman WALSH. Has it been more or less than 20?

Mr. WELBORN. Frequently less, and sometimes more. I should say that in the last few years they have averaged close to 20 per cent. But I should like to say in that connection that the Colorado Supply Co. is doing a very important wholesale business, selling goods to merchants in Colorado and New Mexico, as well as supplying our retail stores with their goods. We keep a wholesale department at Trinidad and Pueblo, and in that way our retail stores are able to almost always obtain better prices and better deliveries than if we depended upon the usual jobbers.

Chairman WALSH. Do you have competition in any of your camps?

Mr. WELBORN. We have very active competition in something over half of them; yes.

Chairman WALSH. And in the other half, what?

Mr. WELBORN. In the other half there is no direct competition through the existence of competitive stores. But almost all of our camps are located very close to some important town, and peddlers have access to such camps, to all of our camps, in fact, and they are particularly active in the camps that have not competitive stores.

Chairman WALSH. Do you discourage competition from outside stores in any way?

Mr. WELBORN. I should say that every man in business discourages, unconsciously, if not otherwise, competition; he is inclined to do all the business he can; to put the best foot forward.

Chairman WALSH. How do you do it in your camps? How do you discourage the solicitation by outsiders?

Mr. WELBORN. We do not discourage solicitation except by—

Chairman WALSH. Well, discourage competition, then.

Mr. WELBORN. I suppose it is the same. But we discourage buying from competitors by furnishing our patrons with at least as good a quality of goods as they can obtain from anyone else at at least as low a price.

Chairman WALSH. Do your employers ask them not to trade with outsiders?

Mr. WELBORN. Not that I know of, sir. I think I shall answer that more positively—that they do not.

Chairman WALSH. Have you ever heard of a man being discharged for trading with outsiders?

Mr. WELBORN. No; our men are not discharged for trading with outsiders.

Chairman WALSH. By whom are the charges made—you have a hospital service, I believe?

Mr. WELBORN. Yes.

Mr. WALSH. Just describe its constitution, will you, please—how it is organized and run?

Mr. WELBORN. Our hospital is located at Puebla.

Chairman WALSH. Do you own the building yourselves?

Mr. WELBORN. Yes. We have an investment of something like \$300,000 in it. It is second to none in the West, and I would almost be willing to apply that to the whole of the United States, so far as appointments and service are concerned.

Each camp, each mining camp, has a doctor, who devotes his time almost if not exclusively to our employees. Every employee pays a dollar a month, which entitles him and his family to whatever medical attention is required; and when the hospital service is found necessary they are sent to the hospital without charge and returned to their former place of employment without charge. They are not sent from the hospital until they are able to go to work.

Chairman WALSH. Does that treatment apply to all character of injuries and illnesses on the part of employees and the family?

Mr. WELBORN. No; it does not. I think Mr. Osgood cited an instance, and this is the same.

Chairman WALSH. The same exception applies to your company?

Mr. WELBORN. Yes.

Chairman WALSH. By whom were these charges determined?

Mr. WELBORN. The charge of \$1 per month has been the practice since the hospital department was organized in about 1880. I believe it is a common charge—

Chairman WALSH. It is taken out—

Mr. WELBORN (continuing). It is a common charge among employers of labor and railroads and others who have a hospital department.

Chairman WALSH. It is taken out of the wages of the men, monthly?

Mr. WELBORN. Yes; taken out of the wages of the men, monthly.

Chairman WALSH. Have you had complaints from men working in your mines as to this hospital charge?

Mr. WELBORN. No. The men seem to express a great deal of satisfaction with the hospital service, a greater satisfaction than almost anything else in connection with our operation.

Chairman WALSH. Is there a charge for a portion of a month?

Mr. WELBORN. Yes. If a man came in for half a month or left before the expiration of half a month, he would be charged 50 cents.

Chairman WALSH. How does your hospital service come out, financially?

Mr. WELBORN. It breaks even, or about that. In a few years a nominal profit has been shown, not enough to more than take care of needed improvements. In a number of years the departments have lost. In our last fiscal year the department lost money.

Chairman WALSH. How much did it lose in the last fiscal year?

Mr. WELBORN. A few thousand dollars, I should think; I do not know.

Chairman WALSH. And the year before that?

Mr. WELBORN. The year before that, I think it broke about even; but I am not sure.

Chairman WALSH. How do the past 10 years show?

Mr. WELBORN. During the past 10 years I should say that the profits, if any, were purely nominal, and it is not improbable that there was a slight loss; not material.

Chairman WALSH. Does that include payment of interest on the investment that you spoke of?

Mr. WELBORN. No; it does not. We charge no interest on the investment against the hospital department.

Chairman WALSH. By whom are charges for powder and blacksmithing determined?

Mr. WELBORN. The charge for blacksmithing is 50 cents per month, and I think is a custom about as old as the business in Colorado. The charge for powder is based on our cost. A good deal of the time that returns us a loss rather than a profit; in other words, the miners are obtaining the powder at our wholesale cost to us, plus the handling charge.

Chairman WALSH. You rent houses to your employees, do you?

Mr. WELBORN. Yes; we do.

Chairman WALSH. I wish you would describe the houses, if they are uniform, if not, the different grades of houses?

Mr. WELBORN. Our houses are not uniform in size; but, generally speaking, they are uniform as to the size of the rooms and the general accommodations. The usual house or the house most commonly in use is composed of four-room houses about 25 feet square. Other houses——

Chairman WALSH. What proportion would you say are those four-room houses of the whole?

Mr. WELBORN. I should think that more than half of our houses have four rooms each. A few of them have a less number of rooms; others are what might be termed terraces, two or three room terraces; while other houses have six or eight rooms. And in such cases the occupants usually keep boarders.

Chairman WALSH. Is there any restriction by the company on the number of boarders they may keep in these houses?

Mr. WELBORN. I think not; except that if it were found that there were so many people being housed in one building as to endanger the health of the occupants and establish very bad insanitary conditions, then objection would be made to it.

Chairman WALSH. Who inspects those houses?

Mr. WELBORN. Our men at the mine are charged with, we might say, daily responsibility for inspecting them.

Chairman WALSH. Who is that?

Mr. WELBORN. The superintendent, in a general way, and at such points as we employ camp marshals they are particularly charged with looking after the sanitary conditions and the general order of the houses. The general officers, the division superintendent, Mr. Weitzel, exercised more or less care, attention, and supervision over those houses.

Chairman WALSH. How many of these four-room houses would you say your company owns?

Mr. WELBORN. Several hundred; but I can not tell you exactly.

Chairman WALSH. Five or six hundred?

Mr. WELBORN. I should think it closely approximates 500, certainly.

Chairman WALSH. How old are the oldest?

Mr. WELBORN. Some are probably rather old, if you date them from the original time of erection rather than from the time they may have been repaired and remodeled; but in the main our houses are comparatively new, less than 10 years old.

Chairman WALSH. Well, how old are the oldest?

Mr. WELBORN. I imagine we have houses that are nearly 30 years old.

Chairman WALSH. How many would you say you have that are 30 years old?

Mr. WELBORN. We may have 50 or 60—closely approaching 100.

Chairman WALSH. How many have you 20 years of age?

Mr. WELBORN. Very few 20 years of age that are not also 30.

Chairman WALSH. Fifteen?

Mr. WELBORN. I should say the same as to that.

Chairman WALSH. How many 10?

Mr. WELBORN. Well, the houses that are 10 years—from 10 years down to 1 year old, constitute the main number and probably run from 600 to 700.

Chairman WALSH. What does it cost to build those four-room houses?

Mr. WELBORN. The cost of building those four-room houses is something like \$700.

Chairman WALSH. What do they rent for?

Mr. WELBORN. Two dollars per room per month.

Chairman WALSH. What return do you get on your houses as a whole—the net return?

Mr. WELBORN. About what one would term a fair interest return on the investment—6 or 7 or 8 per cent.

Chairman WALSH. Which is it, 6 or 7 or 8 per cent?

Mr. WELBORN. Well, I don't know. I must estimate that figure, because I have not got it in my mind. I know that our houses bring us only a fair return. They are not considered a good investment, and they are not a losing investment.

Chairman WALSH. Could you tell whether it was 6 or 7 or 8 per cent?

Mr. WELBORN. Yes; I suppose I could; it might require some little time for our accounting department.

Chairman WALSH. Have you figured it out so you can tell offhand?

Mr. WELBORN. No, sir; I am not relying on my memory.

Chairman WALSH. I wish you would have it done if it is not too much trouble; figure out the return on the investment.

(In a letter dated December 11, 1914, Mr. Welborn stated: "The return on our investment in houses last year was 6.7 per cent, and the year before 7.7 per cent.")

What do you figure the land at?

Mr. WELBORN. We do not include the value of the land in our investment in the houses—just the cost of the houses.

Chairman WALSH. Have you any shacks on your property put up by the men themselves?

Mr. WELBORN. I think we have none; there were a number a great many years ago, and whenever opportunity offered, whenever one was vacated, we wrecked it.

Chairman WALSH. Who determines the amount of compensation to be paid to injured persons in case of accident?

Mr. WELBORN. That is a matter usually of general consultation, usually between our attorney, Mr. Herrington, and myself with the advice of Mr. Weltzel, or others more or less familiar with the man and the conditions under which he was injured.

Chairman WALSH. Do you ever deal with any representative of the injured man?

Mr. WELBORN. I beg pardon?

Chairman WALSH. Do you have any representative of the injured man at these consultations?

Mr. WELBORN. Yes; very often he has an attorney, or, in case where he is a foreigner, the foreign consul intercedes in his behalf.

Chairman WALSH. Do you have personal-injury suits brought against your company in Huerfano and Las Animas Counties?

Mr. WELBORN. I do not recall but two or three personal-injury suits brought against us in any county in the last half dozen years. It has been our practice to settle with all injured employees.

Chairman WALSH. How many employees have you altogether?

Mr. WELBORN. We have now not over 8,000.

Chairman WALSH. When you are running full-handed how many would you have?

Mr. WELBORN. From ten to twelve thousand.

Chairman WALSH. From ten to twelve thousand?

Mr. WELBORN. Yes.

Chairman WALSH. How many men do you have employed during the year to keep up your full labor equipment?

Mr. WELBORN. A comparatively small number of absolutely new men.

Chairman WALSH. Whether they are new men, or they go from one camp to another, how many do you employ or have reemployed?

Mr. WELBORN. It would be almost impossible to calculate the number of men—the number of employees to-day that we reemploy at different camps during the course of the year. I think that we have employed 10 or 15 or 20 men in a day and not one of them are new men. They shift about. A man at one camp concludes that he would rather go to another where some of his friends are working. And the same shifting between camps that takes place with our company exists between the various camps in the coal-mining districts.

Chairman WALSH. How many men would you say you employ per month in all of your mines when running ordinarily full-handed, whether they are reemployments, or whether they come from other camps of your own or other companies? How many men do you employ each month?

Mr. WELBORN. I think—I will answer that if you wish, but when Mr. Weitzel comes on I think he can give you a much more accurate idea of it.

Chairman WALSH. Very good.

Mr. WELBORN. I will give you my opinion, if you want it.

Chairman WALSH. If you do not feel that it would be reasonably accurate, I will wait.

Mr. WELBORN. It might not be.

Chairman WALSH. Very good. It has been stated, I notice, in various places that there has been no personal-injury suit brought against your company in Huerfano County for 20 years; is that true?

Mr. WELBORN. I can not remember of one.

Chairman WALSH. Do you recall any suit brought against your company in Huerfano County in the last 20 years?

Mr. WELBORN. I will have to correct the last answer by saying that I do know that some suits have been filed, personal-injury suits. I have in mind Las Animas County—

Chairman WALSH (interrupting). In Huerfano County, I was asking about.

Mr. WELBORN. I am not so sure about that either way.

Chairman WALSH. You have heard it repeated over and over that the reason of that is that the men who are hurt do not apply to the courts, because they have the impression that your company elects the officers that select juries as well as the judges at times?

Mr. WELBORN. There is not only no ground for that charge by the people who have made it, but in my judgment that feeling does not exist among the men. I think they know as well as we the purpose of the charges, and they are false.

Chairman WALSH. Does it exist among the legal profession?

Mr. WELBORN. I should say that it does not.

Chairman WALSH. My attention has been called to a speech alleged to have been made by Mr. Northcutt, now of your counsel, delivered at Lamar, Colo., I believe, in which he made some charges of that kind; are you familiar with that speech?

Mr. WELBORN. I have heard of it; I never read it. I never have been in politics. Mr. Northcutt has been for a great many years. I have understood that men in politics are apt to say a great many things in the heat of a campaign that are not easily proven or that can not be proven at all. Sometimes they go to the extent of being false.

Chairman WALSH. Is it true that there are election precincts in Huerfano County that are completely surrounded by barbed wire fences erected by your company?

Mr. WELBORN. That is entirely possible now. We erected some barbed wire fences to inclose our Watson and Robinson mines when the strike came on. We did it as a matter of protection to our property and employees in those mines.

Chairman WALSH. After the barbed wire fences were put up, did the county commissioners reprecinct the county in such a way as to put whole precincts in your private property?

Mr. WELBORN. Not to my knowledge; I am quite sure it was not done.

Chairman WALSH. Did you observe the result of the election in precincts thus sequestered?

Mr. WELBORN. No; I did not. I have only in a general way observed the result of the last election in different precincts.

Chairman WALSH. Is there basis for the claim that in those precincts that were on your private property, or that were inclosed by these barbed wire fences, that the vote was unanimous for certain candidates regardless of party?

Mr. WELBORN. There is no basis for that charge just made. There is basis for the statement that the employees in certain of our precincts in our camps recognized the importance to their welfare of electing certain law-and-order candidates in the last election in the last campaign. I think in some precincts, not only where we had coal mines but elsewhere, the vote was almost unanimous for Mr. Carlson and Mr. Farrar, the Democratic candidate for attorney general.

Chairman WALSH. Now, was there any compulsion used by your company to bring about that result in those places?

Mr. WELBORN. Absolutely none; not even suggestion. We did not have to do that, Mr. Walsh. We could not have compelled them to vote otherwise.

Chairman WALSH. How have those results been in those election precincts when elections were heretofore held?

Mr. WELBORN. They have been variable. In the election of 1912 I recall that all our precincts in Huerfano County—I think it came out in the congressional investigation—voted about 10 per cent of the total vote of the county.

Chairman WALSH. Then you say that there is no basis in the charge either that your company influences or seeks to influence the election of officials?

Mr. WELBORN. No; there is no basis for that charge.

Chairman WALSH. In those counties in which your mining properties are situated, do employees of your mines hold political positions?

Mr. WELBORN. One of our employees, a man who is now store manager and for years has been one of the store managers of our company, is, I think, a member of the legislature. Aside from that I recall no employee who is even a precinct committeeman.

Chairman WALSH. Is that the only employee that you recall that holds any official position?

Mr. WELBORN. That is the only one that I recall now.

Chairman WALSH. Now, you say, Mr. Welborn, that the charge is not usually made that your company does control the political situation in those counties by other than interested persons. Is that the way that I understand you?

Mr. WELBORN. Yes, sir.

Chairman WALSH. And the publication that is given to it simply comes from those persons?

Mr. WELBORN. From the interested persons; yes.

Chairman WALSH. Now, what classes do you include in the term "interested persons"?

Mr. WELBORN. I don't know that I can specify them.

Chairman WALSH. You mean those that are engaged in the conflict like, for instance, the union leaders?

Mr. WELBORN. The union leaders—

Chairman WALSH (interrupting). And attorneys?

Mr. WELBORN. And attorneys who have been employed by them, and certain candidates for office who have for years been associated with them and their labor organizations as attorney and in other capacities. Those men have always sought to gain an advantage by placing us in the light of controlling the politics of the two southern counties.

Chairman WALSH. Now, you say you did not see this speech that was attributed to Mr. Northcutt?

Mr. WELBORN. No; I did not. A portion of it, I think, was read before the congressional committee.

Chairman WALSH. I think that is the reference I have to it here. Were you present when that was read?

Mr. WELBORN. Yes; I think I heard a part of it, but I don't remember.

Chairman WALSH. And you say that the condition described by Mr. Northcutt—did Mr. Northcutt say at that hearing that he made that speech?

Mr. WELBORN. I don't remember whether he did or not.

Chairman WALSH. I don't know from my memorandum whether it is admitted by Mr. Northcutt, and therefore I do not want to ask you about it unless I know that it is. I have nothing except——

Mr. WELBORN (interrupting). Yes; well, I can not say that he did admit having made the speech.

Chairman WALSH. What information did you furnish the stockholders or directors regarding the labor conditions in your industry?

Mr. WELBORN. I have made it a point to inform our directors and inquiring stockholders very much in detail as to the labor conditions at our properties. I have taken a good deal of pleasure in saying what I am sure is true, that the conditions under which our coal miners work are better than they will find in almost any other mining district in the United States.

Chairman WALSH. What communication did you have with your New York directors, if any, immediately prior to September 23, 1913, when this strike was called?

Mr. WELBORN. None.

Chairman WALSH. Did you notify them that a strike was threatened?

Mr. WELBORN. I think I did not. It is entirely possible that I called attention in some letter to the fact that agitation was pretty active and that a strike had been threatened.

Chairman WALSH. To whom was the letter addressed?

Mr. WELBORN. I can not say. I say it is entirely possible that I did so write some one.

Chairman WALSH. Will you look up and see if you have a copy of any such letter?

Mr. WELBORN. Yes.

Chairman WALSH. What action, if any, have your stockholders ever taken at the annual meetings, or otherwise, regarding labor conditions?

Mr. WELBORN. I don't think labor matters specifically have come up at the annual meetings of stockholders.

Chairman WALSH. Has Mr. Greene ever been on the ground in Colorado?

Mr. WELBORN. He has not.

Chairman WALSH. Has Mr. McClement?

Mr. WELBORN. Yes; Mr. McClement visits Colorado frequently. He is very much interested in the operations of the company. He first became connected with it about 12 or 14 years ago, and since then has manifested a very lively interest in its affairs.

Chairman WALSH. What other business is Mr. McClement in?

Mr. WELBORN. Mr. McClement, I think, is in the general brokerage or bond business in New York.

Chairman WALSH. When was he in the coal field last?

Mr. WELBORN. He was in Colorado last month.

Chairman WALSH. In the coal fields?

Mr. WELBORN. No; he did not go to the coal mines.

Chairman WALSH. He was in Denver?

Mr. WELBORN. Yes; he was in Denver.

Chairman WALSH. Now, when was he in the coal fields last?

Mr. WELBORN. I don't remember. He has, whenever it was possible to go—possible for me to go and him to take the time, he has visited, when in the West, our coal properties and steel works, some portion of the operations.

Chairman WALSH. Have you had any communication with him by mail or telegram since the strike was called, or immediately prior thereto?

Mr. WELBORN. Yes; I have communicated with him on a few occasions.

Chairman WALSH. In regard to labor troubles?

Mr. WELBORN. In regard to the strike.

Chairman WALSH. Will you please include that in your correspondence to be furnished?

Mr. WELBORN. Yes, sir.

(The letter referred to is printed in the subsequent testimony of Mr. Welborn.)

Chairman WALSH. Has Mr. George J. Gould ever visited the field?

Mr. WELBORN. Yes; but not in recent years.

Chairman WALSH. How long ago?

Mr. WELBORN. I don't think Mr. Gould has been in Colorado since I was made president of the company.

Chairman WALSH. And that was how long ago?

Mr. WELBORN. That was early in 1907.

Chairman WALSH. Mr. Starr J. Murphy, has he ever visited the field?

Mr. WELBORN. No; I think not.

Chairman WALSH. Mr. E. T. Jeffrey?

Mr. WELBORN. Mr. E. T. Jeffrey was for many years, while president of the Denver & Rio Grande Railroad, located in Colorado, and was, of course, very familiar with coal-mining conditions here; but he has not been in Colorado in recent years.

Chairman WALSH. How long since Mr. Jeffrey has been here?

Mr. WELBORN. I think six or seven years.

Chairman WALSH. And Mr. Willard P. Ward; has he ever visited the field?

Mr. WELBORN. Yes; Mr. Ward was in Colorado last about a year ago, I think—about two years ago.

Chairman WALSH. And Mr. John D. Rockefeller, jr.; has he ever visited the coal field?

Mr. WELBORN. Yes; but not in very recent years.

Chairman WALSH. How long since?

Mr. WELBORN. I think Mr. Rockefeller's last visit to Colorado was in 1903.

Chairman WALSH. Do the superintendents have any power to fix the wage scales in the mines under their jurisdiction?

Mr. WELBORN. They have not, except with the approval of Mr. Weitzel.

Chairman WALSH. Have they ever undertaken to fix, or fixed, a wage scale at any particular mine—the superintendent?

Mr. WELBORN. No; they have not fixed it in the sense you mean in putting the question. They may have suggested it, and Mr. Weitzel may have approved the suggestion.

Chairman WALSH. Have the wages been fixed always as you have indicated this last wage scale was fixed by conference between Mr. Weitzel, yourself, and this other man?

Mr. WELBORN. The wage scale of 1907 was fixed at a similar conference, but Mr. Weitzel was not then connected with the company.

Chairman WALSH. But the officer—

Mr. WELBORN (interrupting). But the officer who was in that position.

Chairman WALSH. Is the compensation or pay of the superintendents proportioned in any way to the production of the mine—the pit bosses and superintendents?

Mr. WELBORN. No; it is not.

Chairman WALSH. Is it understood that they get increases in salaries with reference to the cost of the mining?

Mr. WELBORN. No, sir.

Chairman WALSH. Or promotions in the service?

Mr. WELBORN. No.

Chairman WALSH. What detectives or other like men have you employed whose duty it has been to secure information with reference to the attitude of the men toward the company or toward the wages or toward anything of that sort from 1904 until this date?

Mr. WELBORN. We have occasionally employed detectives, as I think every large employer of labor does, and as the city administrations and our Government does, to not only get or detect anyone who may be working for us ostensibly and who is actually working against us, but to determine what the sense of sentiment of the men is toward the superintendent or the method of conducting the operations of the particular mine. That has not been done very often.

Chairman WALSH. How many of such men would you say that you had in your employ for the year prior to the calling of the strike?

Mr. WELBORN. I don't know that we had any such men immediately prior in that year.

Chairman WALSH. And the year before?

Mr. WELBORN. May have had none, and may have had two or three, possibly.

Chairman WALSH. From what agency do you employ these men, or do you employ them directly?

Mr. WELBORN. They are more often employed directly than through an agency. I have known of Pinkerton Agency men being employed for that work. I think years ago we had some of the Thiel Agency men.

Chairman WALSH. Did you employ any of the Baldwin-Felts men?

Mr. WELBORN. We have not employed the Baldwin Co. in any capacity until after the strike was called. We then found it necessary, after exhausting all other means of securing efficient protection for our employees, to avail our-

selves of the services of that organization, which was then on the ground and serving some of the other companies, and which could, without materially increasing their forces, also serve our interests somewhat.

Chairman WALSH. Did your company or you have anything to do with bringing them into Colorado?

Mr. WELBORN. No; it did not.

Chairman WALSH. What individual for your company selected these men when they were employed directly?

Mr. WELBORN. Mr. Weitzel has selected those men in the last few years.

Chairman WALSH. What would you say has been the cost to your company since the strike of 1904 for the employment of detectives under these circumstances; that is, before the strike proper started?

Mr. WELBORN. Before this strike——

Chairman WALSH. Yes, sir.

Mr. WELBORN. Only nominal. I would not attempt to estimate an amount; but in many months and for frequent long periods of several months we have had no men so employed.

Chairman WALSH. When these men were employed, did they go into the mines as ordinary workmen and pretend to be ordinary workmen—miners and so on?

Mr. WELBORN. That probably depended on the particular service we desired they should perform.

Chairman WALSH. Did they at times?

Mr. WELBORN. Very probably; yes, sir.

Chairman WALSH. Have you, during those years, or from this time running back to the strike of 1904, employed detectives who became members of the United Mine Workers for the purpose of giving you information.

Mr. WELBORN. I don't know. They may have become members of the United Mine Workers.

Chairman WALSH. And did they make reports to your company where they did so?

Mr. WELBORN. I don't remember to have seen any such reports. It is possible they did so report.

Chairman WALSH. Have you at any time employed men or paid money to men who were in the United Mine Workers for the purpose of giving you information?

Mr. WELBORN. Not to my knowledge. We have employed, as I said a moment ago, men to do certain detective work, and some of those men may possibly have been members of the United Mine Workers.

Chairman WALSH. And who, did you say, did that employing?

Mr. WELBORN. I think most of it has been done, and possibly all, by Mr. Weitzel.

Chairman WALSH. And so any information that there was upon that subject would be in the hands of Mr. Weitzel?

Mr. WELBORN. Very probably, especially anything that related to the coal-mining industry.

Chairman WALSH. Does your legal department have anything to do with it at all?

Mr. WELBORN. No; except possibly in the consulting capacity.

Chairman WALSH. What firearms or ammunition were in the possession of your company or its representatives prior to September 23, 1913?

Mr. WELBORN. Practically none, we will say prior to September the 20th, anyway, or 22d.

Chairman WALSH. What arms have been purchased by your company since September the 23d?

Mr. WELBORN. We have purchased several thousand dollars of arms and ammunition.

Chairman WALSH. Did you purchase it all from the same company?

Mr. WELBORN. No. At times we have had to purchase it and get it from every source possible in order to provide ourselves with the necessary means of protection.

Chairman WALSH. How much of it would you say you have purchased, then, since September 23, 1913, and give us, if you please, the general character of the arms and ammunition?

Mr. WELBORN. We have purchased somewhere between twenty-five and thirty thousand dollars' worth of arms and ammunition since we learned that the strike leaders themselves had purchased and shipped into the district a considerable

quantity. We made no purchases until after we learned of a purchase of a considerable amount at Pueblo by one of the strike leaders. That was done on September 12, before the convention which called the strike.

Chairman WALSH. You mean your purchase of September 12, or the purchase of the strike leader?

Mr. WELBORN. Purchase of the strike leader.

Chairman WALSH. And when did your purchase of a large amount of ammunition take place after that time?

Mr. WELBORN. About September the 20th or possibly 22d. Monday was the 22d.

Chairman WALSH. And where was that ammunition purchased?

Mr. WELBORN. Various places; some at Denver; some Trinidad; some Walsenburg.

Chairman WALSH. You say it was purchased on September 20?

Mr. WELBORN. A comparatively small amount—that is, a small proportion of the total.

Chairman WALSH. Any machine guns?

Mr. WELBORN. No; no machine guns were purchased until in October, after our mines had been——

Chairman WALSH (interrupting). What date?

Mr. WELBORN. About October; I should say around October 10.

Chairman WALSH. Who purchased the ammunition for your company—what individual?

Mr. WELBORN. Various individuals. Our purchasing agent himself bought a portion of it; our managing officers in the strike district bought some.

Chairman WALSH. Who gave the order for your company for the purchase of ammunition?

Mr. WELBORN. I don't know that specific orders were given except in a few cases; but I am willing to assume responsibility for the orders or for the purchase of all of it.

Chairman WALSH. Was there any person other than yourself with the company authorized to purchase ammunition?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Just give the names, if you please, of all the individuals connected with your company that could purchase the ammunition and their orders be honored by payment by your company?

Mr. WELBORN. I don't know that any officers or individuals were specifically authorized to make the purchases. When the necessity for purchases developed I am not sure but that Mr. Weltzel called my attention to it over the telephone, and I said, go ahead and buy what is necessary, or buy whatever amount he thought was necessary; possibly he mentioned the amount. In other cases our purchasing agent was directed to make the purchases of specific amounts that I might have thought necessary, or that Mr. Weltzel might have made requisition for.

Chairman WALSH. Were there any other persons connected with your company except your purchasing agent and Mr. Weltzel who actually purchased any?

Mr. WELBORN. It is not improbable that Mr. Weltzel's assistants—Mr. Mattison is his first assistant, and Mr. Thomas—in fact, I am quite sure that both those gentlemen directly made some purchases at different times during the trouble.

Chairman WALSH. What is the name of your purchasing agent?

Mr. WELBORN. Pierson. His name is on the memorandum you have there.

Chairman WALSH. What guards, camp marshals, and others, charged with the protection of property or the maintenance of peace in your camps, were employed prior to September 23, 1913?

Mr. WELBORN. Prior to September 23 we had at our 22 operating properties seven camp marshals.

Chairman WALSH. No deputy sheriffs?

Mr. WELBORN. Well, some of them, I think, were deputy sheriffs.

Chairman WALSH. Well, did you have any persons who were not camp marshals connected with your company who were deputy sheriffs?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. How many employees did you have prior to September 23, 1913, that had deputy sheriff commissions in Huerfano County?

Mr. WELBORN. I don't know that any of our camp marshals in that county had deputy sheriff's commissions.

Chairman WALSH. Any other employees?

Mr. WELBORN. And I don't know of any other employees who had.

Chairman WALSH. Do you know of any instances in which the mine superintendents and pit bosses were also deputy sheriffs?

Mr. WELBORN. No; I do not.

Chairman WALSH. You don't know of any instances of that kind?

Mr. WELBORN. No.

Chairman WALSH. What guards, camp marshals, and others charged with the protection of property and the maintenance of peace were employed by your company since September 23, 1913?

Mr. WELBORN. I think at one time we had about 250 men so employed.

Chairman WALSH. Is that the largest number that you ever had so employed?

Mr. WELBORN. That is the largest number that I recall, or the largest number that I ever checked up.

Chairman WALSH. And the smallest number since September 23, 1913?

Mr. WELBORN. We had reduced our guards and watchmen to something like 100 just before April 20. Since then I imagine we have made some increases. I know we increased all we could during the 10 days following April 20. It was necessary to use every means possible to protect our employees. The mines—certain mines at Aguilar that were practically without protection were wrecked, employees were killed, and owners of the property forced into the mine and the opening sealed by explosives. We were unable to secure enough men who would act as watchmen or guards to protect us, and at that time we repurchased, or purchased, a considerable number of rifles, having been disarmed some months before, and placed these guns in the hands of the workmen. Our actual protective forces at Walsen, the point where the most serious attack was made on our property, at that period was composed of the miners and other workers in the mine. A hundred and sixty of our men at the Walsen and Robinson mines at different times during a week attack took up arms—rifles and other arms—in the protection of themselves and the property.

Chairman WALSH. How many of such men have you employed now?

Mr. WELBORN. I can not tell you. The number may possibly have been reduced to—the mine guards we have now are only nominal in number. But we have a good many watchmen about the buildings since the Federal troops came in.

Chairman WALSH. Well, any persons, whether you call them watchmen, camp marshals, or deputy sheriffs—any persons of that kind in your employ protecting life and property, or endeavoring to maintain peace?

Mr. WELBORN. Mr. Weitzel can give you that information more accurately than I can. I would like to say, however, that it is my understanding that none of our watchmen now are armed.

Chairman WALSH. By whom was the fitness of men employed as guards determined?

Mr. WELBORN. Almost all of us took a part in that—as much of a part as we could. My instructions were—and I know Mr. Weitzel gave similar instructions—to those who might pick up men and employ them at the mines that their effort should be used to secure men who did not drink at all, certainly not to employ drunkards; not to employ men who could be regarded as under the general term of "gunmen." We wanted men qualified as you would expect a policeman to be, to behave themselves under trying circumstances, and yet with courage enough to protect the lives of our employees.

Chairman WALSH. The attention of the commission has been called to the alleged fact that Mr. Albert C. Felts has testified before the congressional committee that he employed between 40 and 75 guards for the companies without any investigation whatever as to their characteristics. Do you know anything about that?

Mr. WELBORN. I do not—in a general way I do. There were times when Mr. Felts was called upon to furnish some men quickly if he could get hold of them. In the period immediately preceding the calling out of the State militia, which was described more or less by Senator Patterson, our mines were under attack; and on the morning of the day that we had the conference with the governor at which Senator Patterson was present and which, by the way, was not called by Senator Patterson or suggested by him, our mines at Berwind and Tabasco were in a state of siege, and we called upon Felts at Trinidad, in connection with the sheriff—our call was directly upon the sheriff—to furnish some men to go to the protection of the men at those properties. The women and children with very few exceptions, had been sent out of the camps, and the men who remained were in danger of massacre; and on that occasion Mr.

Felts picked up some men, and so did the sheriff at Trinidad, without any very careful examination being made of them.

Chairman WALSH. Have you stated all the measures which you personally took, Mr. Welborn, to see that these men were qualified?

Mr. WELBORN. Yes, I think I have.

Chairman WALSH. Will you please furnish the commission, Mr. Welborn, copies of all orders issued by your company since 1903, with regard to the enforcement of the various laws of the State of Colorado relating to the mining industry and labor conditions generally?

Mr. WELBORN. Yes, sir. It may be necessary for that to come on with Mr. Weitzel. I mean, many of the orders were issued from his office; most of them, in fact.

Chairman WALSH. Will you please take the matter up with Mr. Weitzel—

Mr. WELBORN (interrupting). I will do so; yes.

Chairman WALSH. And have him deliver them to us all at once, if he can?

Mr. WELBORN. Yes. That is to say, all orders issued to our employees with reference to the observance of the mining laws.

Chairman WALSH. Of the mining laws.

Mr. WELBORN. The laws of Colorado—

Chairman WALSH (interrupting). Referring to your own industry.

Mr. WELBORN. Yes. I will be very glad to furnish them.

(The orders referred to were presented by Witness Weitzel on Tuesday, Dec. 8, and are printed in his testimony.)

Chairman WALSH. Now, you have a law here, I believe—a section of the statute which reads as follows—well, I will not attempt to read it; it would be a little too long. But the statute with reference to the payment of wages.

Mr. WELBORN. Yes.

Chairman WALSH. This law was put into effect by your company at what time?

Mr. WELBORNE. Well, I think—I don't quite understand your question?

Chairman WALSH. I mean it was put into practice—

Mr. WELBORN (interrupting). You mean the law with respect to paying wages twice a month?

Chairman WALSH. Yes.

Mr. WELBORN. Oh—

Chairman WALSH. And in cash.

Mr. WELBORN. We have always paid in cash.

Chairman WALSH. You never paid in scrip?

Mr. WELBORN. No, sir.

Chairman WALSH. At any time in your history?

Mr. WELBORN. No.

Chairman WALSH. And did you observe that law as soon as it was passed?

Mr. WELBORN. I think not—that law was passed—that semimonthly pay law was passed before I became president of the company, and some good while after I came into the office, the question of its legality came up, or my attention was called to the law through some statements concerning it, published statements concerning it which appeared in the press, and I found it had not been regarded as constitutional. Whether or not it had been passed upon, I don't know, but we established the practice of complying with the spirit of the law—not with the letter strictly, because it says, I think, that you must pay on the 5th and 20th of each month, which is impracticable. That is impracticable in a big operation; but we put the semimonthly pay practice into effect early in 1913; I am not sure of the date, and it is still in effect. Prior to that we had been paying semimonthly at the steel works for some time.

Chairman WALSH. Now, when was that law passed?

Mr. WELBORN. I don't know, sir.

Chairman WALSH. And when did you put it into effect, did you say?

Mr. WELBORN. In 1913.

Chairman WALSH. February 1, 1913, I believe it has been testified here.

Mr. WELBORN. That may be; very early in that year.

Chairman WALSH. Now, I understand you that scrip has never been used by the Colorado Fuel & Iron Co.?

Mr. WELBORN. No; I said scrip was not used in the payment of wages.

Chairman WALSH. Oh! Well, now, how was scrip used by the Colorado Fuel & Iron Co.?

Mr. WELBORN. Scrip was in use for a great many years at the stores of the Colorado Fuel & Iron Co. Well, they are not run in the name of that company, but they practically compose a part of the Colorado Fuel & Iron Co.

Chairman WALSH. I wish you would state, if you please, in detail what use was made of the scrip?

Mr. WELBORN. If a man before pay day desired to draw upon his wages earned, but not yet due, an order was given him—or he gave an order to the store on the coal company. I have forgotten just the exact form that took, but for such an amount as he wanted. If it were \$5, he took that order to the store, and in the event he chose on that occasion to purchase but \$3 worth of supplies, he was given by the store \$2 in scrip.

Chairman WALSH. Is that what is called "the truck system"?

Mr. WELBORN. Well, it has been called by a good many terms that do not sound very good. In practice, it was very desirable to the miners.

Chairman WALSH. I know; but is that what it was called?

Mr. WELBORN. I suppose that is what some people mean by the truck system.

Chairman WALSH. Well, is that what the State called it? Is that what it was called in the statute?

Mr. WELBORN. I don't know.

Chairman WALSH. Go ahead.

Mr. WELBORN. The \$2 in scrip which the man received from the store he could use the next day or at any other later time that he saw fit for the purchase of such goods as he wanted.

Chairman WALSH. Now, when was that practice discontinued?

Mr. WELBORN. That practice was discontinued in the early part of 1913; I think January 1, but I am not sure of the date.

Chairman WALSH. Now, had that been forbidden by the law prior to January 1, 1913?

Mr. WELBORN. It had not been as conducted by us. The law had prohibited, as I understand it, the payment of wages in scrip or anything but cash; and I repeat what I said a moment ago that we never did pay our men their wages in anything but cash.

Chairman WALSH. There was a statute covering the payment for coal before screening, I believe. Are you familiar with that statute? [Reading:]

"All the coal mined shall be weighed in the car or other receptacle in which it is removed from the mine before it is screened, or before it passes over, or is dumped upon any screen or any other device which may let, or be capable of letting, a portion of the coal drop through screen or device, and the miner shall be paid for the mining of such coal according to the weight so ascertained at such price per ton of 2,000 pounds as may be agreed upon by and between such owner and miner or miners who mine the same," etc. Are you familiar with that statute?

Mr. WELBORN. Yes; in a general way I am familiar with it.

Chairman WALSH. Has that law been observed by your company?

Mr. WELBORN. Yes. If my memory serves me correctly, though, we awoke one day to find that we were screening the coal at one mine before paying the men for it. We were paying them for the lump on a basis which was perfectly satisfactory to them. We then changed the practice at that mine and adopted the same there and at others of paying the men after screening the coal and paying them one price for lump and another for screenings. That was an inducement to them to mine the largest possible amount of lump coal. Almost every year in Colorado there is a surplus of slack that has to be dumped on the ground and frequently is completely destroyed. By the adoption of that practice our men in one district very materially increased the percentage of lump coal and their own earnings.

Chairman WALSH. Was that in violation of this law?

Mr. WELBORN. No. Our practice as it is pursued now is not in violation of this law.

Chairman WALSH. But prior to that time it was?

Mr. WELBORN. I think we were technically violating it unintentionally. I don't know how it had got into practice.

Chairman WALSH. Now, how long did that continue? Down to what time did you continue that practice?

Mr. WELBORN. I don't know. It may have been practiced but a few months for all I know. We corrected it several years ago.

Chairman WALSH. What was the last mine at which that practice obtained?

Mr. WELBORN. I don't know.

Chairman WALSH. Was it at Rockvale?

Mr. WELBORN. That practice, which might be called a technical violation of the law, was not in effect at Rockvale.

Chairman WALSH. It was not?

Mr. WELBORN. No.

Chairman WALSH. Well, just what was it—I didn't catch——

Mr. WELBORN. Well, as I stated a while ago, that was the practice at only one mine, as I remember it.

Chairman WALSH. What was the last mine at which that practice was carried on, which you say is a technical violation of that statute?

Mr. WELBORN. I don't remember, now, which the mine was, Mr. Chairman, Mr. Weitzel can probably tell you.

Chairman WALSH. Was it carried on until August, 1913, in any of your mines?

Mr. WELBORN. No, sir; it was not.

Chairman WALSH. What was the latest date that that technical violation of the law was committed?

Mr. WELBORN. Several years ago.

Chairman WALSH. None down as late as 1913?

Mr. WELBORN. No.

Chairman WALSH. There is a statute, I believe, in this State covering the interference with the membership of employees in unions or societies?

Mr. WELBORN. Yes.

Chairman WALSH. You are familiar with that statute?

Mr. WELBORN. Yes.

Chairman WALSH. Has that statute always been observed by your company?

Mr. WELBORN. So far as I know, it has. I know absolutely that in recent years it has been observed.

Chairman WALSH. Say, since 1904 have any men been discharged from your service for union membership?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. Or for activities in organizing unions?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. Did you hear the testimony with respect to breaking up of a fraternal society—the meeting of a fraternal society?

Mr. WELBORN. Yes; I think I did. I think I know what you mean.

Chairman WALSH. Was that statement correct, or do you have any knowledge of it?

Mr. WELBORN. My memory is not clear as to just what the man said in connection with that.

Chairman WALSH. Why, he said there was a society called the St. Peter Servian Society, and that employees of your company just came in and ordered them to dissolve and take the charter down from the wall?

Mr. WELBORN. Do you remember the man?

Chairman WALSH. I would not like to quote any further; I would not be sure.

Mr. WELBORN. Well, I can deny it specifically unless I know that the charge was made against our company.

Mr. HERRINGTON. The Delagua.

Mr. WELBORN. That was not our mine.

Chairman WALSH. Has your company in any way interfered with the organization of the men employed in the mine into unions?

Mr. WELBORN. No; it has not. We have some mines at which an organization has existed as far back as I can remember. I think as long—almost as long as an organization has been in vogue in Colorado.

Chairman WALSH. With respect to the employment of checkweighmen, has that practice been in use by your company?

Mr. WELBORN. Not in a general way, only intermittently, entirely through the fault of the men themselves.

Chairman WALSH. Is it desirable to have a check weighman so far as the company is concerned?

Mr. WELBORN. Very desirable.

Chairman WALSH. And is it desirable to have them so far as the men are concerned?

Mr. WELBORN. I think nothing is gained by the men except possibly the satisfaction—that is, a satisfied feeling that they are being paid for what they produce. The material result is not changed in any sense.

Chairman WALSH. But it is a situation that causes dissatisfaction at times unless they are permitted a checkweighman?

Mr. WELBORN. Yes; and we have used every means that we thought proper to induce the men to select their checkweighmen. We have refrained from urging it, feeling that the motive might be misunderstood, but recently, the first of this month, a checkweighman was employed by our workmen at the Sopris mine, one of the largest we have. At that mine a checkweighman was also employed a short time before the strike, and worked, I think, less than three days, when he chose to give up his employment.

Chairman WALSH. As far as you are concerned, you have no knowledge of any exercise of influence on the part of the company to prevent the use of checkweighmen by the men under the statute?

Mr. WELBORN. I know that for the past 10 years the exercise of influence has been in the contrary direction, in the direction of having them employ checkweighmen.

Chairman WALSH. You know that a statute has been in effect in this State since 1905 with reference to blacklisting?

Mr. WELBORN. I am not familiar with that, but we are not engaged in the practice of blacklisting, and we are not bothered by that.

Chairman WALSH. It is unlawful for any employer to blacklist employees or notify other employers of blacklisted employees. You are familiar with it in a general way?

Mr. WELBORN. Yes.

Chairman WALSH. Does your company keep a list or catalogue of persons that used to be employed, which you circulate among your own mines?

Mr. WELBORN. No; not as you have stated it. As I said a while ago, in connection with the employment of our men, something of a description of the employee is made and his reasons for leaving our employment are given when he does leave. If he has left because he is an objectionable workman at one mine, he is apt to be objectionable at other of our properties, and we so inform our men.

Chairman WALSH. Are men placed upon that list who have been discharged, for the reason they have disturbed the peace of other workmen, or are agitators?

Mr. WELBORN. I do not know. I should say that if they have been very objectionable, no matter what the character of the disturbance was, it has been so recorded.

Chairman WALSH. Where is that list kept?

Mr. WELBORN. If there is such a list, it is probably kept in Mr. Weitzel's office, or rather in the district office in the south.

Chairman WALSH. Mr. Weitzel would have the information in regard to that?

Mr. WELBORN. Yes; he can give you more detailed information about it than I.

Chairman WALSH. Is there a copy of it kept at each mine?

Mr. WELBORN. I do not know as to that.

Chairman WALSH. What means do you have of imparting this information, as I understood you to testify to this morning, that if a person is objectionable as a workman, your other mines are advised of that fact?

Mr. WELBORN. They might notify them through the district office.

Chairman WALSH. Did I understand you heretofore in your testimony to mention a card this record was kept on?

Mr. WELBORN. Yes.

Chairman WALSH. Is there more than one card made?

Mr. WELBORN. I don't know.

Chairman WALSH. Have you ever examined the card yourself?

Mr. WELBORN. Not in detail. I have seen the card; yes, sir; that is, I examined for what record it was and got a general idea what they were.

Chairman WALSH. Are all cards, or a copy of all cards in existence kept at the general office in Denver?

Mr. WELBORN. No; none are kept here.

Chairman WALSH. How many men have you employed to take the place of strikers since the strike began?

Mr. WELBORN. Comparatively few. We brought no new men into the State until early in December, then practically all companies joined in that movement. My recollection is that approximately 800 came in during December.

Mr. Lawson, before the congressional committee, stated that he thought his organization secured five or six hundred of those and that may account for the large number that they have on the relief list.

Chairman WALSH. That is, that the men you brought in were surreptitiously placed in their ranks?

Mr. WELBORN. Yes; surreptitiously or otherwise; they unionized them and converted them to their organization.

Chairman WALSH. Was that before or after they came in?

Mr. WELBORN. After they came in.

Chairman WALSH. Then they did not bring them into the State?

Mr. WELBORN. No; but they kept them from going into our employ after they came into the State. That is his statement; I do not know how correct it is.

Chairman WALSH. How are these men secured you have brought into the State to take the place of the strikers?

Mr. WELBORN. We sent men into the eastern district, more particularly the labor centers, such as Pittsburgh, and through local employment agencies informed applicants for work as to the conditions in Colorado, and what wages they could secure in the coal mines. The result was with great ease all of the men we cared to bring out were quickly obtained.

Chairman WALSH. What pay do they receive?

Mr. WELBORN. The miners, of course, are paid by the ton. The rate in the Trinidad district is 55 cents per ton, except where the vein is thin, I think 4 feet or less in thickness.

Chairman WALSH. How does their pay compare with the pay of the men that went out on strike?

Mr. WELBORN. The same.

Chairman WALSH. Is there any bonus paid the men to come into the State?

Mr. WELBORN. No.

Chairman WALSH. How do you pay the men that get them to come into the State?

Mr. WELBORN. Those men are employed by us by the month.

Chairman WALSH. At what salary?

Mr. WELBORN. Varying salaries. We take such men as we feel—we took such men as we felt were best qualified to do that work.

Chairman WALSH. What was the lowest and highest salary?

Mr. WELBORN. I should say the lowest salary was probably \$75 a month.

Chairman WALSH. What was the highest?

Mr. WELBORN. My impression is that we sent one or two men—one engineer who probably earns \$200 a month.

Chairman WALSH. Were these men all in your employ prior to the strike, or were they employed afterwards?

Mr. WELBORN. Such men as we sent ourselves, or as went under our direction, had been in our employ before the strike, the most of them, I think, for years.

Chairman WALSH. Now, though you did not send yourself, what did they consist of?

Mr. WELBORN. Some of the other companies sent men, and, so far as I know, they had been in the employ of the companies who sent them.

Chairman WALSH. Did you employ any persons to obtain these men that made a business of employing persons while strikes were on?

Mr. WELBORN. No; we did not.

Chairman WALSH. These men you brought in, how are they housed and fed?

Mr. WELBORN. As our other men were taken care of. In some cases we had Mr. Kelley arrange boarding facilities until their families came with them, but they had the same accommodations that our older employees had.

Chairman WALSH. How many of these men have voluntarily left the service of the company since the beginning of the strike?

Mr. WELBORN. I don't know.

Chairman WALSH. Could you approximate it?

Mr. WELBORN. No. It is a fair presumption that no greater number of those have left than the older employees. The natural shifting about of that class of workmen would take a number of them out of this camp.

Chairman WALSH. But, regardless of why they left—have you got a record of how many left the company?

Mr. WELBORN. No; I doubt if we have, Mr. Chairman.

Chairman WALSH. You can not state how many left voluntarily, or how many were discharged?

Mr. WELBORN. No.

Chairman WALSH. At this point we will take a five-minute recess.

AFTER RECESS.

Chairman WALSH. The commission will please be in order. The house will be in perfect order now, as we want to resume.

At the recess I was asked to ask you the direct question whether or not in fixing on this wage scale the men that were working for you and were to receive the wages were ever consulted?

Mr. WELBORN. They were not. The reason for it, I think, I stated before.

Chairman WALSH. I thought you had.

Mr. WELBORN. My attention has been called to the fact that when I said in normal times we employed from ten to twelve thousand men, that I did not make it clear that that number included our steel-works employees and those that are iron-works employees.

Chairman WALSH. I didn't catch that.

Mr. WELBORN. My attention was called to the fact that when I stated that we employed from ten to twelve thousand men in normal times, that I did not make it clear that that included our employees at the steel works and iron mines.

Chairman WALSH. How many were in the fuel department and how many were in the steel department?

Mr. WELBORN. Never more than about 6,000 in the fuel department.

Chairman WALSH. Now, when these men were brought in to take the places of the strikers, you say board was furnished until they brought their families?

Mr. WELBORN. Boarding facilities.

Chairman WALSH. Boarding facilities?

Mr. WELBORN. If that was necessary in some cases; yes, sir.

Chairman WALSH. Did you charge them for the board, Mr. Welborn?

Mr. WELBORN. The way in which we provided the boarding facilities was to find some one willing to board them at the usual rate.

Chairman WALSH. At the usual rate?

Mr. WELBORN. Yes.

Chairman WALSH. Then there was no housing or food furnished free to the men that were brought in?

Mr. WELBORN. No.

Chairman WALSH. Now, I want to direct your particular attention to the bulletins that have been issued by the committee of coal-mine managers, series 1. You are familiar with them, of course?

Mr. WELBORN. Yes.

Chairman WALSH. I would like to take that one, please, because I want to call your attention to some things contained in it. Who was the committee of coal-mine managers?

Mr. WELBORN. The committee of coal-mine managers referred to here, and generally meant, when that term is used, included Mr. Osgood, Mr. Brown, and myself.

Chairman WALSH. And, as stated in that, you gentlemen assumed the responsibility for the statements contained in the bulletins?

Mr. WELBORN. I think I ought, in justice to the other gentlemen, to say that these bulletins have been gotten out under my general direction and without always consulting them, and I should be willing myself to assume responsibility for any mistakes that might have crept in rather than to divide the responsibility for the mistakes with the other two gentlemen.

Chairman WALSH. Who selected this committee of coal-mine managers?

Mr. WELBORN. Primarily, the committee itself; that is, it was a self-assumed or self-appointed committee. We had a meeting a short time before the strike was called, at which it was suggested—the meeting was informal, I should say—at which it was suggested, I think by practically everyone there, that we three—and if I am not mistaken, one or two other gentlemen—be regarded as an executive committee. But, if my memory serves me correctly, formal action was not taken. We did not regard it as a formal meeting and we did not become active until it became necessary to do something in the protection of our property and employees.

Chairman WALSH. Who prepared the bulletins?

Mr. WELBORN. They were prepared by various people. The material for them—the material for most of the bulletins, I think, was taken from various statements of mine made specifically for this purpose, or in connection with other matters.

Chairman WALSH. Did you do the actual writing or dictation of it?

Mr. WELBORN. I did a part of it. It will be seen, in going through this, that quotations are taken from certain letters that I have written.

Chairman WALSH. What other persons dictated any part of this bulletin; this series 1?

Mr. WELBORN. No one connected with the coal-mining industry, and no one except those acting under my direction—employees.

Chairman WALSH. Who furnished the copy to the printer; what individual?

Mr. WELBORN. I will tell you his name if you desire it, but he is a gentleman who is employed in general publicity work and who is in the employ of another company—

Chairman WALSH. What is his name?

Mr. WELBORN. And whose connection with this or with any work outside of his own company he would rather not have made known publicly at this time.

Chairman WALSH. We are very desirous of having his name, because there are some matters in it—I want to be perfectly frank with you—that have been seriously questioned, to which our attention has been called, in which the claim is made that it has caused a great deal of dissatisfaction, and anger in some instances.

Mr. WELBORN. Yes.

Chairman WALSH. And we would like to get the responsibility definitely fixed.

Mr. WELBORN. I will do just as you say is necessary to do; but suppose we leave it this way until such time as it becomes necessary for me to shift the responsibility upon some one, that I am not willing to assume the responsibility for what may be criticized here and want to turn it over to some one else; then I will, if you insist, furnish the name. But I would rather not have to make it public now.

Chairman WALSH. Very good. We will reach that as we get to it, then.

Mr. WELBORN. Yes.

Chairman WALSH. I mean we will reach the name. There was one man furnished the copy to the printer?

Mr. WELBORN. Yes.

Chairman WALSH. That went into this series 1?

Mr. WELBORN. Yes; there was one man.

Chairman WALSH. Now, did yourself, Mr. Osgood, and Mr. Brown examine that copy before it went to the printer?

Mr. WELBORN. Some of the copy I examined. I don't think either of the other gentlemen examined any of it.

Chairman WALSH. Well, I will wait until we get to the specific matters and ask what you did examine. How much has been paid for the publication and distribution of the bulletins?

Mr. WELBORN. I think we paid out something over \$12,000. Whether that includes only this or some subsequent bulletins, three of which have already been issued, or not I can not tell.

Chairman WALSH. What steps were taken by the committee of coal-mine managers to make sure that only the exact facts were published in these bulletins? Tell us all of the steps that were taken to insure accuracy and truth.

Mr. WELBORN. I requested the gentlemen whose duty it was to prepare this matter to make sure that facts only were stated, and when there was any question about a fact to consult some of us who were—myself or some one else—was in a position to state positively what was and was not true. Some of the matter, I think, has been taken from newspaper statements—publications that have not been denied. Such matter as was taken from any of my statements, letters sent out, or statements made for public use, received no correction, I think, not checked up.

Chairman WALSH. Where it was based upon newspaper articles that were not denied, were any means taken to ascertain the accuracy of the matter contained in the newspaper articles, or was it assumed to be true because not denied?

Mr. WELBORN. I don't know as I can state in every case.

Chairman WALSH. Who would know that?

Mr. WELBORN. I might be able to determine; as we go through I might be able to say whether or not certain matters had been checked up.

Chairman WALSH. Now, how many of those were sent out of this series 1?

Mr. WELBORN. About 40,000, I think.

Chairman WALSH. And to what classes of people were they sent?

Mr. WELBORN. Sent to educators and newspaper people and publishers of other periodicals; to ministers and business people.

Chairman WALSH. Government officials?

Mr. WELBORN. Yes.

Chairman WALSH. Members of Congress?

Mr. WELBORN. I think generally the aim was to reach them as well as members of State legislatures.

Chairman WALSH. Have you any newspapers or have you had any newspapers that were subsidized?

Mr. WELBORN. No, sir.

Chairman WALSH. Paid money?

Mr. WELBORN. No, sir. If you mean by the payment of money the loaning of money, or something of that sort, that they are subsidized, then I could not answer no. We have not, as I understand the term, as I interpret the term, subsidized the newspapers.

Chairman WALSH. Now, have you any newspapers that are under obligation to you for money paid for publishing your matter?

Mr. WELBORN. No.

Chairman WALSH. Alleged facts?

Mr. WELBORN. No.

Chairman WALSH. Have you any newspapers to whom you have loaned large sums of money, or any sum of money, Mr. Welborn?

Mr. WELBORN. We have loaned some money to certain newspapers—a certain newspaper.

Chairman WALSH. Were any of these newspaper articles that were afterwards published under this designation, "Facts concerning the struggle in Colorado for industrial freedom," this series 1, taken from that newspaper or the newspapers to whom you had loaned money?

Mr. WELBORN. No; they were not.

Chairman WALSH. Have you paid newspapers—any newspaper—money for publishing the alleged facts concerning that controversy as news notices?

Mr. WELBORN. You mean this [indicating pamphlet]?

Chairman WALSH. No; any facts as news notices.

Mr. WELBORN. Well, we have put out the facts—no; we have not. We put out facts as advertising matter, for which we have paid the regular advertising rate. We have not put out facts as news items and paid newspapers for it.

Chairman WALSH. Were those facts always marked "advertising" when they were so published?

Mr. WELBORN. So far as I know. They were presented in advertising form and as an advertisement.

Chairman WALSH. Did you pay any newspaper for the publication of news notices?

Mr. WELBORN. No.

Chairman WALSH. Were the alleged facts in newspapers for which you paid advertising rates signed by some person connected with your company, with the committee of which you are a member?

Mr. WELBORN. I would not say that they were signed by us in all cases, but the term, the name "coal operators" may have been used in place of that of individuals, some term which would tend to indicate the responsibility for the advertising was used.

Chairman WALSH. If any misstatement of fact or substantial inaccuracy should be proved to exist in this bulletin, what steps will the committee of coal managers take to correct this statement?

Mr. WELBORN. I think we ought to take the proper steps to correct it.

Chairman WALSH. Have you preserved the mailing list containing the names and addresses of all persons—

Mr. WELBORN. I think we have a mailing list; yes, sir.

Chairman WALSH (continuing). To whom you sent this 40,000?

Mr. WELBORN. Yes; I think we have a mailing list of them.

Chairman WALSH. Where is that mailing list?

Mr. WELBORN. Part of it is at our office; I do not know but all of it. We have employed certain mailing agencies, using their lists in getting out this matter.

Chairman WALSH. Refer to page 6, paragraph 2. I am going to call your attention to those things that have been presented to the commission, alleged to be either misstatements or inaccuracies?

Mr. WELBORN. All right, sir. Page 6, you say?

Chairman WALSH. Yes.

Mr. WELBORN. All right.

Chairman WALSH. The second paragraph reads as follows: "When the present strike was called, the employees of the Colorado Fuel & Iron Co. had on deposit at interest with the company \$500,000. And it is a notable fact that, notwithstanding the strike, less than 20 per cent of these savings deposits have been withdrawn."

Mr. WELBORN. Yes.

Chairman WALSH. I desire to ask you, Were those deposits made entirely by employees in the fuel department of the company, or does some part of this deposit belong to employees at the steel mills, iron mines, or quarries?

Mr. WELBORN. A small portion of the deposits was made by the employees at the steel plant, and other operations other than of the coal properties.

Chairman WALSH. How much of the \$500,000 was—would you say was deposited by employees in the fuel department?

Mr. WELBORN. Seventy-five per cent would be my estimate.

Chairman WALSH. Seventy-five per cent?

Mr. WELBORN. Yes.

Chairman WALSH. Were those deposits made by wage earners, or was any part of the deposits made by salaried employees in the fuel department?

Mr. WELBORN. A part of the deposits, a small part, was made by salaried employees.

Chairman WALSH. Of what character, we will say?

Mr. WELBORN. Superintendents, clerks, pit bosses.

Chairman WALSH. Salesmen in the sales department?

Mr. WELBORN. I think no salesman have ever—I should like to use—say that in using the term "deposit," I am willing to use it only as a convenient term. The money practically possibly was deposited; actually it was loaned to the company. There is very little distinction, perhaps, if I deposit money in the bank, I really loan it to the bank; the bank gives me a certificate of indebtedness to me. But we use, instead of a certificate of deposit, a note in regular form, a promissory note.

Chairman WALSH. Did that apply to all of the funds that were deposited with the Colorado Fuel & Iron Co.?

Mr. WELBORN. Yes.

Chairman WALSH. There was no drawing account, then, you say?

Mr. WELBORN. Oh, no; no drawing account.

Chairman WALSH. On the part of the employee?

Mr. WELBORN. No.

Chairman WALSH. All of it was represented by notes given by the fuel company to the employee to the amount he deposited?

Mr. WELBORN. I think all such notes were issued by the Colorado Supply Co., as a matter of convenience. The employees have more ready access to the stores in the mines, or the store rather is accustomed to handle the cash, and the money was deposited with the store department rather than with the Colorado Fuel & Iron Co.

Chairman WALSH. What length of time do the notes run?

Mr. WELBORN. They vary. Some were demands—demand notes, and others were on time.

Chairman WALSH. What portion of the whole \$500,000; we will say that 25 per cent now of that came from the fuel department, that would leave \$375,000 on deposit?

Mr. WELBORN. Twenty-five per cent came from departments other than the fuel company.

Chairman WALSH. That would leave \$375,000. How much of the \$375,000 would you say was from salaried employees?

Mr. WELBORN. That would be purely an estimate. Certainly much over \$300,000 was deposited by employees other than salary.

Chairman WALSH. By wage earners?

Mr. WELBORN. By wage earners, what you term wage earners.

Chairman WALSH. That was all in notes given by the Colorado Supply Co.?

Mr. WELBORN. Yes.

Chairman WALSH. Which operates the stores?

Mr. WELBORN. Yes.

Chairman WALSH. To the persons who deposited and turned over the money?

Mr. WELBORN. Yes.

Chairman WALSH. Now, how much of that was in demand notes, and how much of that was represented by time notes?

Mr. WELBORN. A comparatively small amount in demand notes.

Chairman WALSH. How much of the \$300,000?

Mr. WELBORN. I checked that up at one time, and if you will give me a moment to refresh my memory I will give it to you.

Chairman WALSH. Certainly. I do not want even to appear to be cross-examining, but I want to get the facts, Mr. Welborn.

Mr. WELBORN. My impression is that about 20 per cent of these notes are demand; the others interest-bearing notes.

Chairman WALSH. Then there was \$240,000 in interest-bearing notes. How long did those notes have to run?

Mr. WELBORN. Usually one year.

Chairman WALSH. Then there was \$240,000 in notes that had ordinarily one year to run?

Mr. WELBORN. Yes.

Chairman WALSH. And you say bore interest at what rate?

Mr. WELBORN. Four per cent.

Chairman WALSH. Was there any demand made upon you for payment of those notes prior to their maturity by any of the men?

Mr. WELBORN. Occasionally a demand is made, or a request for payment of the money, and it is always acceded to.

Chairman WALSH. Was that true before the strike?

Mr. WELBORN. Oh, yes; it has always been true.

Chairman WALSH. So there was \$60,000 only of this \$500,000 in demand notes?

Mr. WELBORN. That is my estimate.

Chairman WALSH. That is, of the actual wage earners?

Mr. WELBORN. Of the actual wage earners at the coal properties.

Chairman WALSH. Now, how much of that \$60,000 was withdrawn between the 23d of September—what date was this issued, please—

Mr. WELBORN. This was issued—

Chairman WALSH. I see it is dated September 23, 1914.

Mr. WELBORN. This is the date.

Chairman WALSH. Then how much of this \$60,000 represented by demand notes was drawn out between September 23, 1913, and September 23, 1914?

Mr. WELBORN. I should say about the same proportion of the demand as of interest-bearing notes.

Chairman WALSH. How much of the demand notes—first, I will come to the interest bearing, and later—

Mr. WELBORN. That is getting into detail that I can not attempt to give, except in a very rough way. I can say to you in connection with that—while the statement is here that less than 20 per cent had been withdrawn, during the period, but anyway I think our deposits, I know they never got below \$400,000. I want to note one point.

Chairman WALSH. Please.

Mr. WELBORN. In the Rockvale district, where the men have for years been unionized, that belong to this organization of the United Mine Workers, and where all of them ceased work, the withdrawals were made at least as slowly, if not more slowly, than in the working districts. Just why, I do not know. But they allowed most of their money to remain for months and months.

Chairman WALSH. Now, if you will refer to my original question—will you please approximate what percentage of the demand money was drawn in one year?

Mr. WELBORN. Well, I can not do better than say 20 per cent. That is the best estimate I can make. I would like to ask our auditor to check me on my estimate, if I may, as he may remember the amount.

Chairman WALSH. That would be all right.

Mr. WELBORN. Of demand notes, I am inclined to think now it was only 10 per cent.

Chairman WALSH. There would be no objection to that.

Mr. WELBORN. Do you remember [addressing Mr. ———]? Mr. ——— says that out of the \$500,000 total deposits, but \$90,000, approximately, were demand notes.

Chairman WALSH. I was trying to get this down to the amount of demand notes of wage earners?

Mr. WELBORN. Yes.

Chairman WALSH. I am separating it. Let us get that amount. Has he got that?

Mr. WELBORN. No; he would not have that amount.

Chairman WALSH. Then I will go back to your estimate. It is hard to examine on details, if you can do that——

Mr. WELBORN. I only want to correct that one estimate. It is less than 10 per cent, rather than 20 per cent, demand notes.

Chairman WALSH. You say, then, there was less than 10 per cent due of demand notes?

Mr. WELBORN. Yes.

Chairman WALSH. Of the money represented by demand notes?

Mr. WELBORN. Yes.

Chairman WALSH. Withdrawn between September 23——

Mr. WELBORN. Less than 20 per cent of the total original deposits were in demand notes. To get down to the \$375,000 total——

Chairman WALSH. Deposited by wage earners?

Mr. WELBORN. That we estimated had been deposited by coal-mine workers, and then we estimated over \$300,000 of that amount represented deposits of the wage earners.

Chairman WALSH. Yes.

Mr. WELBORN. Now, then, it was assumed that not over 10 per cent of that, or \$30,000, 10 per cent of the \$300,000 were demand notes. That will correct all of the mistakes.

Chairman WALSH. That is a very important correction.

Mr. WELBORN. Yes.

Chairman WALSH. Now, of the \$300,000 that was on deposit and was held by your company?

Mr. WELBORN. Yes.

Chairman WALSH. Being the property of wage earners being represented by demand notes, how much of that money, that \$30,000, was withdrawn between September 23, 1913, and September 23, 1914?

Mr. WELBORN. I should say that that same proportion, about, and of the interest-bearing notes, that would be 20 per cent.

Chairman WALSH. Twenty per cent?

Mr. WELBORN. Yes. There has been no distinction, when a man wanted his money, between interest-bearing notes and demand notes, made by us,

Chairman WALSH. Nevertheless, of course an interest-bearing note, if it was not a demand note, was subject to your will, whether you would pay or not?

Mr. WELBORN. Legally, yes.

Chairman WALSH. Legally, you could refuse?

Mr. WELBORN. Yes. But the men knew we would not refuse.

Chairman WALSH. But it was so stated upon the face of the note.

Mr. WELBORN. Yes, I presume so.

Chairman WALSH. So about the same amount of time interest-bearing notes, money represented by time interest-bearing notes, were withdrawn, about 20 per cent, is that correct?

Mr. WELBORN. That would be my judgment, my estimate, Mr. Chairman.

Chairman WALSH. Now, refer to page 7, "At some of the mines"—second paragraph—"At some of the mines the men expressed these sentiments"—I think I had better go back to the beginning of the sentence. Take page 6, it is in the paragraph headed, "Why the men were satisfied."

Mr. WELBORN. Yes.

Chairman WALSH. And that concluding paragraph reads as follows: "The expressions of satisfaction with conditions and opposition to a strike on the part of the miners became the strongest during that period of agitation immediately following the arrival of Hayes, vice president of the international organization, in August. At some of the mines the men expressed these sentiments before the strike took effect in signed statements, the number so expressing themselves running from 90 to 99 per cent at certain mines." Were those statements made voluntarily by the men in the mines at the request of some employee of the company?

Mr. WELBORN. They were made voluntarily in every sense of the word.

Chairman WALSH. Did they have meetings?

Mr. WELBORN. No. I think they did not have meetings.

Chairman WALSH. How were the expressions gathered and by whom?

Mr. WELBORN. The expressions were gathered by some employee, some one or more, perhaps a number taking statements and presenting them to the men and asking them if they would wish to express themselves in writing as they had frequently done by word of mouth.

Chairman WALSH. Now, then, who drew up the statements?

Mr. WELBORN. I think it was possibly suggested—the form of it was very simple—by Mr. Weitzel. I think I can quote it.

Chairman WALSH. Very good.

Mr. WELBORN. "We, the undersigned employees at ——— mine are satisfied with conditions of labor and pay and opposed to the strike."

Chairman WALSH. Now, who drew that.

Mr. WELBORN. I think it was drawn by Mr. Weitzel, and suggested as a proper form for such superintendents as saw fit. There was no request. It was left very largely to their option or their judgment as to whether or not they cared to present such a statement to the men for their signature.

Chairman WALSH. Was the statement given to the superintendents?

Mr. WELBORN. No; I think that the superintendents—I think very probably the superintendent prepared the statement for his own—each one at his own mine.

Chairman WALSH. But the form was given by Mr. Weitzel?

Mr. WELBORN. I would say yes.

Chairman WALSH. And was the form presented to the employees in each one of your mines?

Mr. WELBORN. No; my impression is that it was not presented at all of the mines.

Chairman WALSH. In how many cases did the superintendent fail to present this statement for signatures?

Mr. WELBORN. I can't say that the superintendent failed. It may not have been presented at all of the mines, but I think to most of them; in fact, I don't know of any to whom it was presented or suggested, if you please, who concluded not to offer it to the men.

Chairman WALSH. So far as your knowledge goes, every superintendent to whom one of these suggestions was made by Mr. Weitzel presented it to the men under him? Now, give me a mine, for instance, of your company in which 99 per cent of the men signed it.

Mr. WELBORN. The Rouse mine.

Chairman WALSH. Give me one in which 90 per cent of the men signed it.

Mr. WELBORN. My impression is that 90 per cent of the men at a number of the mines signed it.

Chairman WALSH. Give me the name of, say, three.

Mr. WELBORN. I won't attempt to name any of them. I will defer that until after recess, if you please. The one at which 99 per cent signed it impressed itself on me. But out of the 20 properties——

Chairman WALSH (interrupting). How many were employed in the Rouse mine?

Mr. WELBORN. Between two and three hundred, I think.

Chairman WALSH. You would prefer to refresh your memory in some way for the 90 per cent?

Mr. WELBORN. Yes.

Chairman WALSH. Please pick out three and state that after recess.

Mr. WELBORN. All right.

Chairman WALSH. How many men went out on strike from the Rouse mine?

Mr. WELBORN. Somewhat more than 1 per cent.

Chairman WALSH. Please give me the number?

Mr. WELBORN. I can not give the numbers, but I should say that probably 30 men left our employ at the Rouse mine.

Chairman WALSH. You had on September 23 how many men working in the Rouse mine, if you know?

Mr. WELBORN. I do not know. I prefer—unless Mr. Weitzel happens to have the figures.

Mr. WEITZEL. I can give you the figures.

Chairman WALSH. I am going to suggest something that will save us all time. Please prepare that data and give it to me after recess. I want you to take three mines at which 90 per cent signed this statement, and then the number that went out from those particular mines.

In any of the mines of the Colorado Fuel & Iron Co. did 90 per cent of the miners remain at work after the strike was called?

Mr. WELBORN. I think not.

Chairman WALSH. Now, refer please—

Mr. WELBORN (interrupting). The largest percentage of the men who remained at work at any of the mines were the Morley, Primero, Sopris, and Rouse, but a great many men at these mines, as well as other properties, who had expressed themselves as not only satisfied with conditions but determined to resist the demands of the strikers had not courage enough to remain under this intimidation, that in some cases preceded September 23 and in others immediately followed it.

Chairman WALSH. So there was no mine of the company at which 90 per cent of the men remained?

Mr. WELBORN. No.

Chairman WALSH. They either went out voluntarily or were intimidated at the time by some sort of compulsion placed upon them?

Mr. WELBORN. Yes.

Chairman WALSH. Please refer to the paragraph entitled "Strike convention," on page 7, a portion of which reads as follows: "The so-called convention, held at Trinidad September 15, at which a vote to strike was taken, was composed of delegates chosen entirely by officers of the organization." Is that true?

Mr. WELBORN. Yes; substantially.

Chairman WALSH. In what way is any part of it not substantially correct, I will say?

Mr. WELBORN. I suppose it is possible that in some camps, a form of vote—some mining camps, a form of vote was taken for the selection of delegates to the convention. We have reason to believe that that was done and that it may have been done at our Rockvale and Coal Creek mines, which are mines at which the union has been in existence a great many years. At our other properties we know no delegates were selected by the workmen. The delegates claimed to represent—the delegates claiming to represent certain of our camps were, outside of the two exceptions named, in many cases employed but a few days at the mines at which they represented themselves to be delegated.

Chairman WALSH. What knowledge have you as to who did select those men, or as to whether or not they did not just walk in and assume—

Mr. WELBORN (interrupting). We have a great deal of knowledge with respect to this strike and the calling of it that is not susceptible of proof. Much of it is based on what legally you might call an impression, but I am convinced in my own mind that that is true. We know that the convention was composed mainly of men from northern Colorado who had been on strike for three and one-half years. We know that certain men were represented as delegates—a certain one man was represented as a delegate to this convention who was at work the two days the convention was in session.

Chairman WALSH. That was either a misstatement or a mistake as to his presence at all?

Mr. WELBORN. Yes, sir; either a misstatement or a mistake, is to put it rather mildly.

Chairman WALSH. I do not wish to put it mildly, but wish to differentiate, if I possibly can, the case of a false report, putting it as strongly as you can, that a man was a delegate who was not a delegate, and the statement here that every delegate was chosen by the officers of the organization. Have you any substantial basis that you can give the commission that all of those delegates were chosen by the officers of the organization? If so, state what the facts are.

Mr. WELBORN. No; I should say that that might probably be subjected to a little qualification, and yet that may be absolutely true, sir.

Chairman WALSH. Do you know whether it is true or not?

Mr. WELBORN. No; not of my own personal knowledge.

Chairman WALSH. Who passed upon the question of putting that statement just in the words it is in? That they were entirely chosen by the officers?

Mr. WELBORN. I did not; but I am not prepared to say that I will shirk the responsibility for it.

Chairman WALSH. Without attempting to fix the responsibility, who is the individual that did that?

Mr. WELBORN. That is the gentleman whose name I prefer to retain for a little while.

Chairman WALSH. Now, you spoke as to the miners' delegates that went from your camp. You say that in possibly two camps they were selected by a vote of the miners?

Mr. WELBORN. Yes.

Chairman WALSH. Have you the information, accurate information, as to how they were selected in the camps of other companies?

Mr. WELBORN. No; except I have the general statements of the officers of the other companies.

Chairman WALSH. Might any of the delegates have been selected by a vote of the workmen in those camps, so far as you know?

Mr. WELBORN. It is possible, but not probable, sir; that was not the method employed, Mr. Chairman. We know that they recorded as delegates at this convention men who had worked two or three or four days or a week at our mines, who were not regular employees and were not chosen as delegates by our men. Some had left our employ a week or more before the convention was called.

Chairman WALSH. Might those men not have assumed, without any person directing them or asking them, to represent their fellow miners in your employ, and just go to that convention and have their credentials accepted?

Mr. WELBORN. That is entirely possible, but not at all probable.

Chairman WALSH. So far as your knowledge goes, have you the name of any delegate you can give this commission that was in that convention that was appointed by the officers of the organization?

Mr. WELBORN. To say that, and express a knowledge of the actual form of appointment, or actual appointment by them, I can not do it.

Chairman WALSH. Can this gentleman, to your knowledge, who wrote this give that information?

Mr. WELBORN. I doubt if he can.

Chairman WALSH. Did he ever undertake to give you the information?

Mr. WELBORN. No; he is not in Denver or Colorado, by the way.

Chairman WALSH. Has he ever been?

Mr. WELBORN. Yes.

Chairman WALSH. Was he a newspaper man?

Mr. WELBORN. At one time.

Chairman WALSH. What did he get for writing this?

Mr. WELBORN. He has not been compensated.

Chairman WALSH. What is he going to get?

Mr. WELBORN. I don't know.

Chairman WALSH. You don't know what his expectations are?

Mr. WELBORN. No, sir; I do not.

Chairman WALSH. How large a bill will your committee approve for him, if that is a businesslike question?

Mr. WELBORN. When he finishes his work, his publicity work, I expect I will have to pass on the bill myself, and possibly our company all of it. I am inclined to think that he and I will agree without difficulty on the amount of it. How large an amount it will be I do not know; it will depend largely upon the extent of the work.

Chairman WALSH. I am going to ask you, do you know whether or not the nomination and election of the delegates to the miners convention were made upon petitions circulated, just as the mine officials circulated their statements as to the satisfaction of the men with their employment?

Mr. WELBORN. I know that such could not have been done without our knowledge in the camps, and I will say that—I will say that I know no such form of selection was employed at any of our camps.

Chairman WALSH. Now, going back to this compensation, did the gentleman—did you have a written contract with the gentleman who wrote this series?

Mr. WELBORN. No.

Chairman WALSH. Who made the contract of employment with him?

Mr. WELBORN. That was made—there was no contract made.

Chairman WALSH. Verbal?

Mr. WELBORN. But an oral understanding was had with him that he would undertake this work and that the compensation for it would be determined later when we saw what amount was necessary, what amount of work was done; and he is not through. He is still preparing data for us.

Chairman WALSH. Can you give us the substance—that conversation was had with you, was it, Mr. Welborn?

Mr. WELBORN. No; it was not had with me.

Chairman WALSH. With whom was it had?

Mr. WELBORN. It was had with one of our eastern—one of our other directors, Mr. Bowers, and possibly some other, but I am not sure. Mr. Bowers had a conversation with the gentleman in the East in June, I think.

Chairman WALSH. That was Mr. Jerome Greene?

Mr. WELBORN. He may have talked to Mr. Greene, I don't know.

Chairman WALSH. Then the substance of this verbal contract, or this oral contract, was communicated to you by whom?

Mr. WELBORN. The substance of it I have got more or less from the gentleman himself who is doing the work.

Chairman WALSH. Then he had his conversation with somebody in the East?

Mr. WELBORN. Yes.

Chairman WALSH. Then he came to see you, did he?

Mr. WELBORN. Yes.

Chairman WALSH. Did he tell you the substance of the conversation and with whom he had the conversation in the East?

Mr. WELBORN. No; only from time to time as the work—as he has taken up the work with me.

Chairman WALSH. But you are the gentleman connected with the company, Mr. Welborn, who will finally pay this man for his services, and you are the one that had the final understanding with him as to what he was to do for his money?

Mr. WELBORN. No; I may not pay him. The company may not pay him. I don't know. Some one else may see fit to compensate him for this. That has not been determined certainly yet.

Chairman WALSH. Do you know whether or not the man knows who is going to pay him?

Mr. WELBORN. No; but I feel sure he is satisfied he will get his money.

Chairman WALSH. Who do you think will pay him, Mr. Welborn?

Mr. WELBORN. I don't know. I am honest in that in every particular. I don't know whether the company will pay him or some one interested in the company.

Chairman WALSH. At this point we will take an adjournment until 2 o'clock. Please resume the stand at that time, Mr. Welborn.

(The hour of 12.30 p. m. having arrived, a recess was taken until 2 o'clock, at the same place.)

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Mr. Stenographer, I wish you would please identify this telegram and copy it in the record.

(Telegram so offered is as follows:)

[Western Union telegram. Received at 1112 to 1118 Seventeenth Street, Denver, Colo. W367CH WR 221 5 EX subject to correction. Duplicate of telephoned telegram. Telephone No. Main 1867. 222. Telephoned to Welborn. To be delivered. Rush.]

AX. NEW YORK, N. Y., April 30, 1914.

Mr. J. F. WELBORN and Mr. L. M. BOWERS,

Colorado Fuel & Iron Co., Boston Building, Denver, Colo.:

Referring to my telegram of this morning repeating telegrams from and to Dr. Foster, the letter of Gov. Ammons of November 27 to the operators and miners shows that at that time the only obstacle to a settlement was recognition of the union. He then suggested a solution covering all points except recognition, and the operators accepted his suggestion and invited their employees who had not been guilty of disorder and other unlawful acts to return on the terms mentioned by him, and assured him and their former employees that they would conform in good faith to all his suggestions. It seems to us that the operators should call Dr. Foster's attention to these facts and reiterate their willingness to accept this settlement. By so doing they will place themselves in a very strong position before the public, in that it would be evident that all disorder since November 27 has been due to the refusal of the unions to accept the settlement which was then proposed by the governor and accepted by the operators but rejected by the miners, unless in the meantime there has been an important change in the situation. As stockholders and directors, we strongly advise that the operators make reply to Dr. Foster along these lines.

JOHN D. ROCKEFELLER, Jr.

Chairman WALSH. Did you succeed in getting the names of the 90 per cent?

Mr. WELBORN. Yes; they were Morley, Terclo, and Primero.

Chairman WALSH. Terclo?

Mr. WELBORN. Yes.

Chairman WALSH. Now, how many men went out at Morley?

Mr. WELBORN. I can't tell you exactly. I didn't have time to get that.

Chairman WALSH. Will you please ascertain, and then I will not take up that subject until you do?

Mr. WELBORN. Yes. You may be able to find—we will have that information for Mr. Weltzel to give you.

Chairman WALSH. I wish you would, and if Mr. Weltzel has it, you will not have to be recalled after you leave the stand.

Now, when we adjourned, I think we were on the question of the compensation of this gentleman that actually wrote this matter?

Mr. WELBORN. Yes.

Chairman WALSH. Now, what were his duties?

Mr. WELBORN. Well, he was charged with the responsibility, with the preparation of the material used for the bulletins.

Chairman WALSH. Have you with you here all of the bulletins that have been issued; there have been several, I believe you have stated, some after that?

Mr. WELBORN. Yes. We have issued three bulletins since that pamphlet was gotten out. One of the bulletins was composed of extracts from my annual report, which you have; the other two bulletins were made up from Dr. Berle's article, a copy of which I have here and will be glad to furnish you if you desire.

Chairman WALSH. We would like to look at it.

Mr. WELBORN. If it is not here, it will be with another bunch of papers.

Chairman WALSH. Are you acquainted with Dr. Berle?

Mr. WELBORN. I met him when he was in Colorado.

Chairman WALSH. Did he have a letter of introduction to you from anyone?

Mr. WELBORN. No. A mutual friend introduced him.

Chairman WALSH. A mutual friend in Denver?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Did Dr. Berle state whether or not he came here at the request of any person?

Mr. WELBORN. No. He stated that he came here—I think he was then on his road from California—

Chairman WALSH. Did he state—

Mr. WELBORN. He came to attend the chautauqua then being held at Boulder.

Chairman WALSH. Did he tell you that he had had a conversation with Mr. Jerome Greene?

Mr. WELBORN. No. But I am very sure he had not had a conversation on this subject with Mr. Greene.

Chairman WALSH. On any subject, immediately prior to coming out here?

Mr. WELBORN. On the subject of the strike—my impression is that he had not seen Mr. Greene for some time. In fact, Mr. Greene's name was not mentioned in the one interview that I had with Dr. Berle.

Chairman WALSH. You say that he was introduced to you by a mutual friend?

Mr. WELBORN. Yes.

Chairman WALSH. Did any person request him to go into the coal fields?

Mr. WELBORN. I can't say as to that.

Chairman WALSH. Was any data furnished to Dr. Berle from your office?

Mr. WELBORN. I think not; I am very sure there was not. He was in my office quite awhile, and we went to luncheon together with a mutual friend, who was Mr. Charles Lockridge, and I am very sure I gave him no data from my office.

Chairman WALSH. Is Mr. Lockridge connected with the Colorado Fuel & Iron Co.?

Mr. WELBORN. No; he has absolutely no connection.

Chairman WALSH. Had Dr. Berle's attention been called by any person, so far as you know, to the situation in the coal fields of Colorado, prior to that date?

Mr. WELBORN. So far as I know, it had not been called to his attention by anyone in Colorado except possibly Mr. Lockridge. I think they came a part of the way from California on the train together.

Chairman WALSH. Did Dr. Berle state whether or not it had been his intention to visit the coal fields of Colorado upon this western trip before leaving Massachusetts?

Mr. WELBORN. I think he said that it was his intention, if he found the time, to look into this question. Whether he stated specifically that he intended to visit the coal fields or not, I can't say.

Chairman WALSH. Did he state that he had talked to any person connected with your company before coming out here?

Mr. WELBORN. No; he did not.

Chairman WALSH. To your knowledge had he spoken to this gentleman who wrote the matter in these documents before he came out here?

Mr. WELBORN. He did not know the gentleman and I am very sure he does not know him now.

Chairman WALSH. Now, who gave this gentleman the material from which to write the extracts from Dr. Berle's investigation?

Mr. WELBORN. He had Dr. Berle's article as published.

Chairman WALSH. Who gave it to him, if you know?

Mr. WELBORN. I do not know whether I sent him the identical copy that he used; I sent him some copies of the article.

Chairman WALSH. Dr. Berle's article?

Mr. WELBORN. Yes; but I imagine he had the article before I received it.

Chairman WALSH. You sent that in a letter, did you; Dr. Berle's article?

Mr. WELBORN. I may or may not. I may have simply transmitted a number of them with a brief note of transmittal; or possibly they were mailed without any comment.

Chairman WALSH. Will you please add to your other correspondence that you are to produce here any copies that you have written of any letters that you wrote to this publicity man inclosing the article of Dr. Berle?

Mr. WELBORN. Yes.

Chairman WALSH. That is, if you did so.

Mr. WELBORN. Yes; I will be very glad to.

Chairman WALSH. Is this gentleman in the State now? I believe you stated he is not in the State at the present time?

Mr. WELBORN. No; he is not.

Chairman WALSH. You are in communication with him, I suppose?

Mr. WELBORN. More or less; yes.

Chairman WALSH. Do you direct what he is to publish and what he is not to publish?

Mr. WELBORN. No. I think I might say we confer frequently, or usually.

Chairman WALSH. My reference is to the gentleman who is writing the matter for you. You so understood that, did you?

Mr. WELBORN. I so understood you.

Chairman WALSH. It was a little bit obscure, and you may have thought I meant Dr. Berle. When did you see him last?

Mr. WELBORN. I saw him last at the end of September when I was East, immediately after—I saw him in New York immediately after I visited Washington.

Chairman WALSH. When did you first see him in Denver?

Mr. WELBORN. I think it was in the month of August.

Chairman WALSH. And was that the time you had this engagement with him to conduct the publicity for your company?

Mr. WELBORN. No; he had taken up the work in accordance with an understanding with another gentleman connected with this company, and I think had been engaged in it a month or two at that time.

Chairman WALSH. That is August of this year, August of 1914?

Mr. WELBORN. Yes.

Chairman WALSH. What was the data with reference to the situation before you met him?

Mr. WELBORN. I am not sure whether these bulletins are dated or not.

Chairman WALSH. This first seems to be dated September 23.

Mr. WELBORN. This is a consolidation of several bulletins, the first 15 bulletins.

Chairman WALSH. I will ask you this, to shorten it: Did this gentleman write any other matter for your company prior to the first bulletin which appears in this series of bulletins in this publication?

Mr. WELBORN. Yes; he had written some others prior to the time I saw him.

Chairman WALSH. They do not appear here?

Mr. WELBORN. Oh, no; none that appear here.

Chairman WALSH. I was asking, did he write any that don't appear in this document here before us?

Mr. WELBORN. No; he did not.

Chairman WALSH. What were his duties? What was he to do in getting publicity? Was he to do anything besides write the matter?

Mr. WELBORN. Yes; he is a man of very wide experience in that work. His ability is recognized by very important interests in the East, railroad interests and others, and to him was left the question of determining what distribution the bulletin should have as well as the general form that they should take.

Chairman WALSH. Was it left to him to determine the matter, the subject matter that was to go into the bulletins?

Mr. WELBORN. Yes; in the main; always, of course, with the understanding that that was to be—the matter was to be taken from statements or data on file in our office or elsewhere that he could obtain it.

Chairman WALSH. In other words, it was either to be obtained by him from the data you already had passed upon or you were to pass upon it before it was published?

Mr. WELBORN. Yes.

Chairman WALSH. Now, was it any part of the understanding that he should endeavor to secure data for publication that might be——

Mr. WELBORN. No; there was no understanding upon that point.

Chairman WALSH. Does he do that?

Mr. WELBORN. I do not know of his having attempted to secure any other than what he obtained from our records here.

Chairman WALSH. Have you seen anything published, or has there been anything published, in any of these bulletins except what was gathered from your data at Denver here?

Mr. WELBORN. In a general way, I should say no, although it is entirely possible that certain facts were obtained directly from our data. If you have any particular number of bulletin in mind, I would be glad——

Chairman WALSH. I have none in mind; I am just asking the question.

Mr. WELBORN. I do not know where any of them were not taken from our matter.

Chairman WALSH. Please refer to page 8, the second paragraph, which reads as follows: "As Colorado's coal-mining scale was already about 20 per cent higher than the scale in districts with which the Colorado coal competes, the granting of the second request for an increase in wages would have been little short of business suicide." With what districts does Colorado coal compete?

Mr. WELBORN. Colorado coal competes with the coal in what is termed the southwestern district, comprising Arkansas, Oklahoma, Kansas, and Missouri. It competes with Iowa and Illinois coal, and in certain sections and in a very small way in Wyoming, but that is hardly a competing product.

Chairman WALSH. Now, by whom was this statement furnished?

Mr. WELBORN. I can't say specifically. That may have been taken from some matter that the coal managers' committee had previously made public. We have been very active in publicity work in putting our situation before our friends and others, and this may have been prepared before the particular form of publicity work about which you are now inquiring was undertaken.

Chairman WALSH. Please refer to page 10, under the heading "Protecting mines," and to this language [reading]:

"The operators had, in view of what was obviously to be the program of the strike leaders, employed at all of their more important properties from half a dozen to fifteen armed guards to protect the mine equipment and defend the workmen against the assaults of the strikers.

"The operators were compelled to employ these men; it was not of their choosing, the necessity for it being daily demonstrated. Their right to do so was not denied. And at this point it should be made as positive as language can make it that these so-called company guards were selected with the utmost care, after an investigation as to their former experience, habits, and efficiency as peace officers."

Was that matter furnished by you?

Mr. WELBORN. I should say it was, in the main; not that language, but the facts on which that statement were based were undoubtedly furnished by me.

Chairman WALSH. And did these guards include the ones that were employed by Mr. Felts, about which you have spoken previously, where you thought that the necessity was so great for their employment that they were selected without regard to their record being looked into?

Mr. WELBORN. The data with respect to the general employment of guards, or course, was prepared, you might say, at the beginning of the strike. The incident to which I referred in connection with our accepting the service of Mr. Felts in the protection of our properties occurred October 27.

Chairman WALSH. What year?

Mr. WELBORN. Of 1913. And that was more or less, or to a very great degree, a temporary employment. All those particular men——

Chairman WALSH. How long were they employed, the men that were selected by Mr. Felts; how long did they remain in your employ?

Mr. WELBORN. I suppose that some men selected by Mr. Felts were employed for many months.

Chairman WALSH. How many?

Mr. WELBORN. It is entirely possible that some are still in the employ of some of the companies—not a very great number. I do not know that we have any Baldwin-Felts men in our employ now. But I do know that at times we had some of their men who were very carefully selected.

Chairman WALSH. Well, this language as I read it applies to all of the men employed by you after the strike commenced.

Mr. WELBORN. Well, that is very true. And it in a general way is literally correct, although there were a number of occasions during the first year of the strike when we were compelled to act and act very quickly, and when we had no time in which to select or to determine as to the character of the men or the particular quality of firearms that we should employ with which to protect ourselves. I want to have you understand the situation that existed at Berwind and Tabasco from April 25, or from October 25 to October 28, inclusive, during a part of which time we were in conference with the governor, with Senator Patterson present. Coal mines in the Berwind Canyon, two belonging to ourselves and two or three to other companies; two mines belonging to the Victor American Fuel Co. in the adjoining canyon were under attack by from 300 to 500 men stationed on the hills at points which gave them a decided advantage over those in the canyon. They were shooting into the houses. They killed a number of men, wounded two children while they were in bed. On the morning of the 28th of October the situation became so intense that the mine superintendents directed that all of the women and children be sent out. Many of them went as early as Saturday and some the following day and some stayed, insisted on remaining as long as their husbands stayed there, and in that situation we did everything and anything we could do to provide those people with the means of saving them from absolute massacre. An example of what the men acting under the leadership of the officers of this union would do was given us on April 29, when they marched on Forbes mine and killed nine men. There was no protection at that property.

Chairman WALSH. What was the date of that?

Mr. WELBORN. April 29. That was while a truce was then in effect between the governor and Mr. Hawkins, attorney for the United Mine Workers, and being observed by the governor. It was because of his observance of the truce that the militia were kept at Ludlow instead of being sent to Forbes to protect those people. The situation was very much the same in October. As I say, we provided every means within our power to protect our people to whom we had promised protection if they wished to remain at work.

Chairman WALSH. If my memory serves me, Mr. Osgood testified none of these men that were employed by Felts as mine guards were used by his company?

Mr. WELBORN. I don't remember what he testified.

Chairman WALSH. What I was going to ask you is were all of these 40 or 45 men that Mr. Felts says he employed without investigation, were they or were they not employed by your company?

Mr. WELBORN. No; they were not all employed by our company directly. My impression is that Mr. Osgood said that at the beginning of the strike there were employed no guards provided by Mr. Felts. I may be wrong as to that, but that is my impression.

Chairman WALSH. Do you know how many of those men employed by Felts without investigation went into the service of your company?

Mr. WELBORN. No; I do not.

Chairman WALSH. Do you know how many of them were afterwards discharged by you?

Mr. WELBORN. No; I do not.

Chairman WALSH. Were any of them afterwards discharged?

Mr. WELBORN. No; I haven't been able to keep acquainted with those individuals or their employment or the details of their employment and discharge.

Chairman WALSH. Have you undertaken to keep track of the detail of the employment of any of the men employed by Mr. Felts?

Mr. WELBORN. No; Mr. Felts employed men in which we were interested only on a few occasions, except in the case of individuals—single individuals—that he may have employed for us at the request of Mr. Weitzel. Such men were always very carefully looked into.

Chairman WALSH. Page 12 contains a copy of a communication signed by John R. Lawson and others, the heading of which contains the words, "A call to rebellion." Was it intended to be understood that that was the heading of this document when sent out to the miners?

Mr. WELBORN. I don't know. That is what it is. That was the effect of it.

Chairman WALSH. I know; but that was intended to be a literal copy of the call. Was that contained in it, or was that the designation of the writer?

Mr. WELBORN. I don't know; I should imagine that was the designation. Yes; I will claim that as our designation.

Chairman WALSH. And it was not intended to be a part—to convey to the reader that it was a part of the original document?

Mr. WELBORN. No. Those words, so far as I know, are not a part of the original document.

Chairman WALSH. Well, they might apparently be taken that way. That is the reason I marked it that way, to ask you about it.

Mr. WELBORN. Well, it is entirely possible.

Chairman WALSH. Is the balance of it a correct quotation?

Mr. WELBORN. So far as I know. I have not made a comparison. It sounds familiar.

Chairman WALSH. It was publicly circulated, and you have read it many times?

Mr. WELBORN. Yes.

Chairman WALSH. Can you call my attention in there to the reference to Mrs. Grenfel, please?

Mr. WELBORN. All right; page 42, I think.

Chairman WALSH. It is on page 42. It is referring to the occurrence at Ludlow and headed "No massacre of women and children at Ludlow, Bulletin No. 8." It is stated there, in connection with occurrences at the battle of Ludlow, and especially concerning the report that women and children were ruthlessly killed, Mrs. Grenfel's statement to the President says—and it contains quite a long statement following that.

Mr. WELBORN. Yes.

Chairman WALSH. Is Mrs. Grenfel regarded by the operators as one whose personal knowledge of the occurrences at Ludlow is full and complete?

Mr. WELBORN. I understand Mrs. Grenfel has made some very careful investigations of the conditions. I don't know the lady. I don't know of any other of the operators who is acquainted with her.

Chairman WALSH. Are your mine managers convinced that Mrs. Grenfel is personally acquainted either by direct knowledge or personal investigation with all of the facts stated in this statement that follows your reference to her?

Mr. WELBORN. Mrs. Grenfel is a lady whom I am sure would not make statements about so serious a matter without having her facts. I have not recently read this, and I do not recall just what it says; but I am sure that she is well within the facts in all that she said in the statement quoted.

Chairman WALSH. Well, then, you are convinced, are you, that Mrs. Grenfel was acquainted either by personal knowledge or personal investigation with the facts set out in that statement?

Mr. WELBORN. Yes, sir; I am quite convinced of that.

Chairman WALSH. Page 48, it is said that the managers feel that any submission to such a plan as the check off was unjustifiable and was an imposition on their employees, who had the right to receive the whole of their wages without interference by anyone?

Mr. WELBORN. Yes, sir.

Chairman WALSH. And "check off," as I understand, means a deduction from their salary by the union?

Mr. WELBORN. Yes, sir; as required under the contracts with the union.

Chairman WALSH. Yes; and I think the testimony here was that it was 50 cents per month.

Mr. WELBORN. Ten dollars initiation fee and 50 cents a month for special strike assessment. And then there are dues and fines, other amounts, variable.

Chairman WALSH. Do the miners in Colorado, as a matter of fact, ever receive the whole of their wages free from deduction?

Mr. WELBORN. They do; free from deductions except those made with their consent—perfectly voluntary on their part.

Chairman WALSH. Just indicate what those deductions are.

Mr. WELBORN. In our companies, the one as to hospital, the deduction for smithing, the deduction for powder—something they have bought—the deduction for supplies bought at the stores.

Chairman WALSH. And do you have a conference with them—with the employee—as to the amount that shall be charged?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Or do you just fix it?

Mr. WELBORN. At the time when the employee comes into our service he is informed of those practices as a part of our rules, and we have found they all very readily accept them.

Chairman WALSH. Please refer to page 67. In the first paragraph I see there you have, "Frank J. Hayes, nine weeks' salary, \$4,052.92; Frank J. Hayes, nine weeks' expenses, \$1,667.20; total for salary and expenses, \$5,720.12. Frank J. Hayes was thus paid over \$90 a day, or at the rate of over \$32,000 a year. For this same period of nine weeks John McLennan received for salary \$2,683.55 and for expenses \$1,469.55, or \$66 a day. John R. Lawson received for nine weeks' salary, \$1,773.40. Mother Jones, whose sole duty was to agitate, received \$2,668.62 as salary for the same period—\$42 a day. Colorado miners, with their high wages, evidently offered a glittering prospect to the treasury of the United Mine Workers of America." Please state where those figures were obtained.

Mr. WELBORN. They were obtained from newspaper publications which came out in the early part of 1913, I think.

Chairman WALSH. What newspaper publication?

Mr. WELBORN. I don't recall. I saw the statement published in a number of papers, some in Trinidad and some in Pueblo and elsewhere.

Chairman WALSH. Did you give that statement to the publicity man that actually wrote the matter?

Mr. WELBORN. I did not specifically give it to him. He took that, along with a lot of other information that I had that was taken from my files, in connection with the difficulty at that time.

Chairman WALSH. Is that one of the statements that you accept personal responsibility for the truth of, Mr. Welborn?

Mr. WELBORN. I accept the same responsibility that I would as to any published statement that had gone undenied and to which, as in the case of this one, I referred before the congressional committee without a denial having been entered as to its correctness.

Chairman WALSH. I heard Mr. McLennan testify that his salary during this time was \$4 per day. If that turns out to be the truth, have you some means to correct the misstatement that occurred here?

Mr. WELBORN. I doubt if there is any means of determining whether or not that is true. I would just as soon believe these figures as true as the others.

Chairman WALSH. Will you please indicate the newspaper from which you got those figures?

Mr. WELBORN. I can not. It was published in a number of papers, and I may not have the clipping myself at this time. But I want to call your attention particularly to the fact that before the congressional committee I referred to this particular advertisement as to the amount reported to have been paid to these gentlemen for the nine weeks' service, and there no denial was entered as to its correctness.

Chairman WALSH. Was that in an advertisement in a newspaper? Was it in the nature of an advertisement that you saw it in the newspaper?

Mr. WELBORN. No; not that I know of.

Chairman WALSH. I thought you mentioned advertisement.

Mr. WELBORN. I don't remember. It may have been an advertisement.

Chairman WALSH. May have been an advertisement originally published by your company?

Mr. WELBORN. It was not an advertisement originally published by our company.

Chairman WALSH. Or by any other coal company?

Mr. WELBORN. So far as I know, it was not.

Chairman WALSH. Could you state about the date of the newspaper in which that publication was made?

Mr. WELBORN. It was in the early part of 1913. My impression is that the statement was made a very short time before the congressional committee arrived in Colorado, and that was the 7th of February. I believe, 1914, I should say.

Chairman WALSH. Was this data turned over to the gentleman that wrote your publicity in August of this year?

Mr. WELBORN. No, sir. This was taken by him or some one representing him—a gentleman representing him that came out here in June.

Chairman WALSH. Did you see a refutation of the claim as to the amount that was paid these individuals in the Chicago Tribune?

Mr. WELBORN. No; I did not.

Chairman WALSH. Did you read the Chicago Tribune?

Mr. WELBORN. I do occasionally.

Chairman WALSH. Did you see a refutation of it in the labor paper published in Denver?

Mr. WELBORN. No; I did not.

Chairman WALSH. Do you read that carefully?

Mr. WELBORN. I do not.

Chairman WALSH. Did you see a refutation of it in the Labor Herald of Kansas City, Mo.?

Mr. WELBORN. I did not.

Chairman WALSH. Did you see a refutation of it in the national publication of the American Federation of Labor, called the Federationist?

Mr. WELBORN. I did not.

Chairman WALSH. Do you read that?

Mr. WELBORN. I do not.

Chairman WALSH. Did you see a refutation of it in the St. Louis Republic?

Mr. WELBORN. No; I did not.

Chairman WALSH. Do you read that paper?

Mr. WELBORN. Rarely ever.

Chairman WALSH. Well, Mr. Welborn, if I may ask, did you look any place for a refutation of this after you saw it in the first publication—this advertisement as to—

Mr. WELBORN (interrupting). I did not. I have had a good deal to do besides looking for a denial on the part of the other people of statements made concerning their affairs. I gave them the opportunity to deny it before the congressional committee, and it was not there denied.

Chairman WALSH. Did Mr. Lawson appear before the congressional committee?

Mr. WELBORN. He did.

Chairman WALSH. And testify in your presence?

Mr. WELBORN. He did.

Chairman WALSH. And Mother Jones appeared before the congressional committee, did she?

Mr. WELBORN. I understood she appeared in Washington.

Chairman WALSH. Did you read her testimony?

Mr. WELBORN. No; I did not.

Chairman WALSH. Well, how do you know that she did not deny it?

Mr. WELBORN. Well, I did not say that she did not deny it there. I am speaking of the investigation that took place in Colorado.

Chairman WALSH. I have been asked to ask you this question by a gentleman who signs himself "Miner": Is it not true that the operators' association, through its publicity bureau, furnished the material regarding salaries of officers published always in the first instance in the newspapers, from which you afterwards took it, after its publication?

Mr. WELBORN. It is not—absolutely.

Chairman WALSH. Now, Mr. O'Connell states he wishes to ask you a question or two in relation to that.

Commissioner O'CONNELL. In the beginning I read this paragraph—it states that the report of the secretary-treasurer of the general organization from which these figures have been taken—not from a newspaper clipping, as I take it.

Mr. WELBORN. Well, this—the newspaper which published this statement gave that as the authority for the figures, as I remember it.

Commissioner O'CONNELL Yes; but the reading of this would indicate that these figures were taken and published as being taken from the general secretary-treasurer of the national organization.

Mr. WELBORN. Well, if the newspaper statement was correct, no violence has been done to anyone by the statement in the form in which it is made. If the newspaper statement is not correct, then, of course, that is not correct. As I have stated two or three times before, there has been opportunity for denial of the correctness of these figures given to the people, some of whom are quoted here.

Commissioner O'CONNELL. Well, the reading of the matter indicates that these amounts—these sums of money—have been paid for nine weeks and indicates that the figures are taken from the report of the secretary-treasurer of the general organization for the period ending November 3, 1913.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. Now, this is the report of the secretary-treasurer of the national organization for that period.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. Mr. William Green, general secretary-treasurer, and these are his figures for the year ending November 30, 1913—not for the nine months or nine weeks, as indicated in this.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. And I find these same figures for these gentlemen covering the entire year of the period ending November 30, 1913, as are quoted in this statement here, indicating that they have taken the salary and expenses of these men for the entire year from Mr. Green's report, the national secretary, and made them read nine weeks, as I will quote the figures.

Mr. WELBORN. I would have to know what the activities of these gentlemen were before the strike commenced in Colorado.

Commissioner O'CONNELL. They are employed annually by the organization, and their salaries go on whether they are in Colorado or some place else. They are paid by the national organization. There are some discrepancies in the figures when they come to be tabulated, but I notice some of them are so accurate by cents as to indicate that for the year's period it would be highly impossible for the two to be exact just to a cent in the expenses of a man traveling over the country, as, for instance, in the case of Mr. Frank Hayes, for the 12 months reported by Mr. Green, his expense was \$1,667.20, the exact figures quoted for the nine weeks in that published statement of expense.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. Now, it is hardly possible, it seems to me, that that same figure of expenses would carry year after year, year after year.

Mr. WELBORN. Of course, I have not had access to the reports of William Green, and I have no information whatever as to the source of information of the newspapers for this article.

Commissioner O'CONNELL. Well, they quote this document as authority for it.

Mr. WELBORN. I recall now that Mr. McLennan said yesterday that Mr. Hayes's salary had been \$2,500 a year and from that increased to \$3,000 or \$3,300.

Commissioner O'CONNELL. The period indicated here, Mr. Hayes drew in that year, ending November 30 of that year, as salary, \$2,395.72. That is the general secretary's report of the amount of salary paid Mr. Hayes.

Mr. WELBORN. Twenty-three hundred and what?

Commissioner O'CONNELL. Ninety-five dollars and seventy-two cents. And his expense is the same as quoted, \$1,667.20 for the 12 months instead of the 9 weeks.

Mr. WELBORN. Yes.

Commissioner O'CONNELL. And so the figures run as to all the parties. The expenses mentioned are correct, but a little slight difference in the salaries.

Mr. WELBORN. Well.

Commissioner O'CONNELL. For the year; I simply made these statements so as to get it in the record as a denial, if you will, for the first time, be it, as to the figures taken from the report quoted.

Mr. WELBORN. Would it be out of order here to call attention to the statement Mr. Hayes made at Trinidad, or which was reported in the newspapers to have been made by him September 15 of this year, to the effect that the strike had already cost \$3,044,000, and in connection with that call attention to the fact that the maximum number of men who left our employ when the strike was called was 4,650; that immediately a considerable number left the

State; that within 30 or 40 days they commenced to return to work at the coal mines; that to-day there can not be over a thousand men in southern Colorado, if over a thousand in the State, on strike who originally worked in our mines. I don't think the average number of former employees—I am sure that the average number of our former employees who have drawn relief from the United Mine Workers has not exceeded 3,000. They state that the amount of relief is \$3 per man, \$1 for the wife, and 50 cents for each child per week. If the \$3,000,000 had been distributed, even allowing a liberal amount for management expenses, at the rate even of \$4,000 for nine weeks, and been distributed equitably among the strikers, the real strikers not those who had been brought in, to make a show of number and lead in the violence, the men would have been drawing a very fair wage—the strikers—something approaching \$1,000.

Commissioner O'CONNELL. That would be the impression on my mind of this article. They may have taken that view of it.

Mr. WELBORN. I don't affirm those facts. That is my view of it.

Commissioner O'CONNELL. I haven't any desire to discuss this further, because I imagine we will have Mr. Hayes on himself later on during some part of our hearings, and we can get his phase as to whether he does or does not handle money outside of his—

Mr. WELBORN (interrupting). I am just calling your attention to some figures that represent the number of men who actually left the employ of all the mining companies.

Chairman WALSH. Well, we will leave that, then, for the present.

Mr. WELBORN. Very well. I have no desire to continue it.

Chairman WALSH. What has been your experience with trades-unions.

Mr. WELBORN. I have never had direct experience with trades-unions.

Chairman WALSH. What has been your experience with the United Mine Workers of America?

Mr. WELBORN. I have never had direct experience with the United Mine Workers of America—that is, in a contractual relationship.

Chairman WALSH. Have you ever at any time made personal investigation of the operation of these agreements between operators and organized miners in any other mining fields?

Mr. WELBORN. Yes. All my business life I have known more or less of the relations between coal operators and the United Mine Workers of America, where contracts existed between them. In the last few years I have learned a great deal from operators in northern Colorado and in other States. I know a good many men in the coal business in Kansas, Missouri, Illinois, Pennsylvania, and some in other States. Many of those men, as a matter of expediency, or for other reason, have been obliged to enter into contract with the United Mine Workers of America. That is the only organization that represents coal-mine employees. I have yet to hear the first man say that he was satisfied with the relationship. Without exception, they have said, "Welborn, don't go into it. Don't allow yourself to be tied up with them. You surrender all of your rights to conduct your business, and you had better spend millions of dollars than to join hands with the United Mine Workers of America. They will dominate your business from the day the contract is signed."

Chairman WALSH. Do you know of the agreement in force between the operators of the mines in the anthracite coal mines of Pennsylvania?

Mr. WELBORN. I know there is such an agreement; yes, sir.

Chairman WALSH. Are you familiar with it?

Mr. WELBORN. I am not. I recently had a discussion with a gentleman in Philadelphia who, I think—I know he is an anthracite operator, but I learned very little concerning its operation.

Chairman WALSH. Would an agreement without the closed-shop feature and the check-off system conflict with the operating policy of your company?

Mr. WELBORN. It would conflict with the operating policy of our company or any other company attempting to do business in a legitimate way if it were conducted—if the labor organization were conducted as it has been in Colorado.

Chairman WALSH. Do you believe in the underlying principle of collective bargaining?

Mr. WELBORN. I think that subject is open to discussion. My thought in connection with it has all been concentrated around my own experience. I know that no form of collective bargaining that exists in coal-mining operations to-day would tend to create a better condition for the workmen than exists with our employees, and certainly it would work a great injury—it has in most cases, anyway—on the operator.

Chairman WALSH. Do you have in mind any conditions under which you would put collective bargaining in operation in your own industry?

Mr. WELBORN. I consider we have something approaching very closely collective bargaining in our own industry now. Our men are free to and do come to officers of the company—to my own office and to that of the general manager and to others—with their grievances or with their suggestions. There is in each camp one or more men who are always closely in touch with the sentiment of the men—men who can and do convey to us the impressions, adverse and otherwise, of our workmen. Through that we are able to get at evils occasionally without or before complaints are actually made. We have taken up a great many matters on the suggestion of some of our workmen—not always by an individual. I think if two or three men go to a superintendent or a manager with suggestions or with grievances, whatever you may call them, that are not wholly individual they, in a way, represent collective bargaining.

Chairman WALSH. Does your company have claims at the present time against the State of Colorado for board and supplies furnished the militia?

Mr. WELBORN. No; I don't know. I believe all our bills have been paid by the certificates of indebtedness mentioned.

Chairman WALSH. To what extent, if any, did yourself and other officers of the company cooperate with the adjutant general of the State and the other officers of the National Guard?

Mr. WELBORN. We cooperated in the same way that I think that every law-abiding citizen, who was deeply interested, did.

Chairman WALSH. Well, just briefly and in detail state.

Mr. WELBORN. I do not know just exactly what you want to get at.

Chairman WALSH. Did you exchange ammunition?

Mr. WELBORN. They took our ammunition and guns when they came into the field and they have not brought them back, and, that being the case, I should say that there was no exchange. [Laughter.]

Chairman WALSH. Please preserve order.

To your knowledge, did your mine guards at any time use any ammunition belonging to the State militia?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. To your knowledge did the State militia at any time use the ammunition which they had taken from your company?

Mr. WELBORN. I have been told that they did.

Chairman WALSH. The principal inquiry was, Did they use the machine guns of your company after they took them?

Mr. WELBORN. I was informed they did on occasions.

Chairman WALSH. Have you any first-hand knowledge of it?

Mr. WELBORN. No.

Chairman WALSH. Do you have any knowledge of any of the mine guards employed by your company joining the State militia?

Mr. WELBORN. I have been told that some of our mine guards did.

Chairman WALSH. Do you know how many?

Mr. WELBORN. No, sir; I do not.

Chairman WALSH. Did any of them join under orders from you?

Mr. WELBORN. None joined under orders from me.

Chairman WALSH. Or under request from you?

Mr. WELBORN. Nor under request.

Chairman WALSH. Or under the request or order of any other officer of the Colorado Fuel & Iron Co., to your knowledge?

Mr. WELBORN. To my knowledge, no.

Chairman WALSH. Have any of the officers of the National Guard, not employed in the operation of your mines, received compensation or any favor of any sort from any member of your company at any time, to your knowledge?

Mr. WELBORN. No; they have not; except that after the militia were taken out of the field we employed some of them, and I think the number possibly included officers. We employed them as watchmen, or guards, if that term may be preferred. They were still officers of the militia, but not officers in active service.

Chairman WALSH. They were employed as guards for the protection of the company's property?

Mr. WELBORN. Yes; that was after the militia were almost entirely taken out of the field, in the early part of April, but several were taken out even at a later date than that.

Chairman WALSH. About how many were thus employed?

Mr. WELBORN. I do not know; not a very great many, because on April 20, maybe before April 20, our total number of guards had gotten down to about 100.

Chairman WALSH. I believe you stated you had now more than sufficient men to operate your mines?

Mr. WELBORN. Yes; we have 22 mines. Twenty-two were operating when the strike was called; seven of those have not been started up since because of poor business. We are now operating 15, at which we are employing as many men as the same mines employed before the strike. There is a very fair prospect of our being obliged to close some of those mines; in fact, we will have to do so unless there is an immediate improvement in business. That is a condition that has never confronted us before at this season of the year.

Chairman WALSH. Aside from violence, if your property is protected and peace maintained in the strike zone the matter is at an end?

Mr. WELBORN. Yes; the matter is at an end. If the strike was called off we would not open another property this winter.

Chairman WALSH. We have heard the history of this mining field told, and you have been here for a great many years yourself, and there have apparently been recurrences of trouble every year for the last 40 years. I want to ask you if you believe that industrial peace brought about and following through all of the agencies that have been at work here in Colorado will be permanent?

Mr. WELBORN. Do you mean the industrial peace that we have had?

Chairman WALSH. Yes; you say it is all over, and if nothing else is done.

Mr. WELBORN. It would be permanent just so long as the laws are lived up to, as long as the workmen are sure that the laws will be enforced. As long as the agitators and strike leaders know that they won't be permitted to violate the law without having to answer.

Chairman WALSH. But, as I understand you, recurrences are likely to occur if agitators come into the field in sufficient numbers at any time.

Mr. WELBORN. If men are allowed to arm themselves—men who never lived in Colorado; first, if men are allowed to come into the State from the outside again and strike, and it is possible to bring millions of dollars from other States in here to conduct that strike; if those foreigners, or others, who may be willing to carry a gun and conduct that sort of a campaign, are allowed to be brought in here and work against the citizens and the authorities of the State, you can not prevent violence, you can not conduct industrial operations in a peaceful way.

Chairman WALSH. I gather it is your opinion that peace can not be maintained as long as people come in from the outside and arm themselves and commit violence?

Mr. WELBORN. I do not mean to say that violence may not be initiated at home, but I want to impress on you that this violence started from influences from the outside.

Chairman WALSH. I am trying to get at something in the future, if I can.

Mr. WELBORN. If the agitators, the leaders of this particular labor organization, will behave themselves and allow the men to work as suits themselves, and the operators continue to behave themselves as they have done for years—pay the men good wages, and better wages than the men earn elsewhere, I do not see why industrial peace should not continue indefinitely.

Chairman WALSH. You mean by "behave themselves," to comply with the laws of the State?

Mr. WELBORN. Yes; comply with the laws of the State and not interfere with men of other coal operators and our employees who are conducting our affairs in a harmonious way.

Chairman WALSH. You mean interfere with you in a legal manner?

Mr. WELBORN. No; not in a legal manner; as this interference occurred.

Chairman WALSH. I am speaking entirely of the future. Is it your idea that peace will be maintained in this field permanently unless violence is used by some person within or without the State?

Mr. WELBORN. I know of no reason why it should not.

Chairman WALSH. What has been the total cost of the strike to date to your company, including all expenses, loss of revenue, publicity, and everything else?

Mr. WELBORN. Our loss of revenue incident to the strike and the direct cause of the strike last year was something less than \$1,000,000. There was a much greater decrease than that in our earnings, but we actually lost more

money, as compared with the previous year's operations, in our steel department as a result of poor business than we did on account of the strike.

Chairman WALSH. In your opinion, what amount should be charged as a loss growing entirely out of the strike, if you can approximate it?

Mr. WELBORN. I should say \$800,000.

Chairman WALSH. What would you say was the total cost to the entire coal industry of Colorado?

Mr. WELBORN. I do not know of a better way to establish that than to multiply it by three. Our production is about a third of the total.

Chairman WALSH. That is about one-third of the total?

Mr. WELBORN. Yes.

Chairman WALSH. I believe it was stated that your three companies produce 66 per cent of the entire output of coal, and that your company produced 40 per cent of the 60 per cent; is that correct?

Mr. WELBORN. That statement was not correct if made in that form. Our company produces about one-third of the output of the State, in which we use 40 per cent in our steel operations. Our proportions of the consumption of the whole steel or competitive business is about 20 per cent. But our relation, so far as the strike is concerned, to the total cost—our cost relative to the total cost is about 1 to 3.

Chairman WALSH. What was the cost of the strike of 1904 to the Colorado Fuel & Iron Co.?

Mr. WELBORN. I do not know as to that.

Chairman WALSH. Could you approximate it?

Mr. WELBORN. No; I think I could not. It did not last as long as this strike. My impression is that the indirect cost was greater because trade conditions were more prosperous at that time, and the interference with our steel operations was more marked.

Chairman WALSH. Does that relation apply to all of the coal companies as it does to yours?

Mr. WELBORN. No; I should say that other companies must have lost less in the strike of 10 years ago than ourselves.

Chairman WALSH. Has there been any considerable concentration of the coal companies in recent years?

Mr. WELBORN. No; on the contrary, there has been a considerable increase in the number of coal companies and a corresponding decrease in our own proportion to the total produced.

Chairman WALSH. Have you a memorandum of the documents which you agreed to produce this morning when you were on the witness stand?

Mr. WELBORN. I think some one else of our people will have it; it is being looked up.

Chairman WALSH. When may we expect to get it?

Mr. WELBORN. I think I can give it to you Monday or even this afternoon, late perhaps—certainly by Monday.

Chairman WALSH. I would like very much to get it this afternoon if I could, but I do not want to rush you on it.

Mr. WELBORN. I should like to go over this correspondence.

Chairman WALSH. There is some of it that we agreed with you should not be produced publicly if it was not germane to the issue here, and if you can have that correspondence here at 4.30 o'clock the commission will undertake to go over it with you, so that it can be introduced Monday morning.

Mr. WELBORN. We will try to do that.

Chairman WALSH. Is there any statement you would like to make voluntarily. Mr. Welborn, or any explanation you wish to make of any testimony heretofore given? If so, you may do so at this time.

Mr. WELBORN. Yes; there are a few statements I would like to make. A few wrong impressions probably gained from false statements heretofore made I would like to correct.

In connection with the discussion just had with respect to collective bargaining and the United Mine Workers of America, I would like to read into the record a letter of the secretary of the association of bituminous coal operators addressed to Patrick Gilday, district president of the United Mine Workers of America. It is dated last December—no; December, 1913. It reads:

“DEAR SIR: The executive board of the Association of Bituminous Coal Operators of Central Pennsylvania held a meeting here to-day, approved and directed that the following communication be forwarded to you at once.”

Chairman WALSH. To whom was that directed?

Mr. WELBORN. To Patrick Gilday, the gentleman just appointed on the mediation board. This was a letter sent by W. R. Roberts, secretary of the bituminous coal operators' association of that district. It continues as follows:

- "Whereas the Association of Bituminous Coal Operators of Central Pennsylvania, hereinafter called the Operators, entered into an agreement bearing date April 20, 1912, with the United Mine Workers of America of district No. 2, hereinafter called the Mine Workers, for the purpose of governing their relations as to wages, general rules; and
- "Whereas this agreement was consummated and entered into by the Operators on the expressed assurance that this contract would be faithfully kept and performed by the Mine Workers, and that the officials of your organization guaranteed the full performance of this contract on the part of the Mine Workers; and
- "Whereas rules 12 and 13 of said agreement provide, 'should differences arise between the Operators and Mine Workers as to the meaning of the provisions of this agreement, or about matters not specifically mentioned in the agreement, there shall be no suspension of work on account of such differences, but an earnest effort be made to settle such differences immediately: First, through the management of the mine and the mine committee; second, the first method failing, the matter shall be referred to the Operators' commissioner and the Mine Workers' commissioner, and in the event of a failure of such commissioners to reach an agreement, then to be referred to a permanent board of arbitration, whose decision shall be final, nevertheless the year 1913 has resulted in an absolute disregard of these covenants on the part of the Mine Workers; and
- "Whereas notwithstanding the fact that rule No. 15 provides 'the right to hire and discharge, the management of the mine, and the direction of the working forces are vested exclusively in the Operators, and the United Mine Workers of America shall not abridge that right, the Mine Workers have absolutely disregarded this rule in that they have at numerous times served notices on substantially every Operator belonging to our association that unless all of the employees working for such operator should become members of the union on or before certain dates mentioned in said notices that they, the Mine Workers, would close or shut down the Operators' respective mines, and in many instances did close the mines for this reason and refused to return to work unless such nonunion employees were discharged. This conduct is in direct violation of your contract and specifically interferes with and abridges the right of the Operator to hire and discharge, of the management of the mine, and of the direction of the working forces; this conduct and violation of contract on part of the Mine Workers, as well as that mentioned in the preceding paragraph, has resulted in more than 100 strikes during the life of our scale agreement; and
- "Whereas notwithstanding the fact that the Operators appealed to you as president of the United Mine Workers of America of district No. 2 to enforce and carry out your contract, and your repeated admissions that the Mine Workers were not living up to their contract, but that you individually were doing all in your power to compel performance thereof, nevertheless it has been open and notorious that your subofficials, organizers, and like employees have been continuing this line of conduct down to the present date; and
- "Whereas notwithstanding the fact that the Operators have appealed to John P. White, national president of the Mine Workers of America, for the performance of this contract on part of the Mine Workers, and that he has replied that full authority has been given to you to deal with the situation, still such conduct continues down to date; and
- "Whereas these violations of contract have become so notoriously defiant and continued that the membership of this association have frequently and determinedly notified its executive board that unless this conduct ceased at once they would withdraw from this association on the ground that it was useless to contract with a body that absolutely refused to carry out their contract and with no person sufficiently in control of the Mine Workers to enforce the performance of the same: Be it therefore
- Resolved*, That the Operators enter into a vigorous protest against the line of conduct hereinbefore mentioned, and demand of Patrick Gilday, president, and the executive board of the Mine Workers of this district, an immediate cessation of the conduct hereinbefore recited, and that they strictly enforce on the part of the Mine Workers their covenants contained in said

contract, and in event of the failure to cease such conduct within the next 10 days, that the president and secretary of the Operators' association shall call a special meeting of the members thereof for the purpose of considering the final dissolution of its association on the specific ground that it is useless to enter into contract obligations with a body that steadfastly refuses to fulfill the same and which no official apparently has power to enforce.

"Yours, truly,

"W. R. ROBERTS, *Secretary.*"

Chairman WALSH. What is the date of that?

Mr. WELBORN. December 12, 1913.

Chairman WALSH. Will you please hand that to the messenger?

Mr. WELBORN. Yes, sir. In connection with that, I would like to say that so far as I know no important steel operator is dependent—or which produces its own coal and coke, has the United Mine Workers of America as a partner in its coal operations. The details recited there would soon result, if we were compelled to operate with the union, and experience similar trouble, in closing down our steel plants. It is impossible, impracticable at least, to carry more than a few days' supply of fuel on hand. If we are to be—if a steel operator had to be subjected to the shutting down of the coal properties supplying it with fuel for weeks or months, or for a year or two, it would place it in a very weak condition in comparison with its competitors. I do not know whether I have convinced you gentlemen that our wages are higher than are paid in other sections of the United States in unionized districts or not.

Chairman WALSH. Have you a document there on that?

Mr. WELBORN. No; but I have that pretty clear in mind.

Chairman WALSH. My information on that subject is not at all exhaustive, and if you have anything else to give us I wish you would state it.

Mr. WELBORN. Illinois reports show that the average earnings of coal miners in that State are a little above \$600 per year. The average earnings of the coal miners employed by us approximates \$1,000 per year—slightly less, perhaps. The scale of the day men is universally higher in Colorado than in any sections in the East with which I am acquainted.

Commissioner O'CONNELL. Give it to us at the per ton. You spoke in there somewhere there was not the same number of tons.

Mr. WELBORN. The scale per ton is not susceptible of comparison. That is all covered by the thickness of the vein and its general character. The scale in—we have 4 or 5 scales in southern Colorado alone, and probably 10 or 20 different scales in the State. And I think there are probably mines at which the smallest scale is paid that makes it possible for the men to earn more than they can in those paying the higher scale.

Commissioner O'CONNELL. Do I gather, then, that your men who are working the same number of hours per month would approximate—or per year would approximate around \$400 greater in Colorado than in Illinois?

Mr. WELBORN. It is possible that the men in Illinois do not work as many hours per year or as many days per year. I am not clear as to that, but the figures may be in my office. But I am quite sure that they do not work as many days per year as our men, but I am sure they do not make as much per day when they work as our men. We have a great many men, and it is true of all operators in the State, who earn from \$125 to \$175 per month, and the average is around \$4—more than \$4 in most mines.

Chairman WALSH. State anything else you wish to state upon that subject, because I do not want to interrupt you.

Mr. WELBORN. Have you gentlemen—have you covered the question of houses and stores and other conditions at the mines as much as you wish?

Commissioner LENNON. Tell us about the relations of the saloons—the rent. Do you furnish the fixtures put in the saloons or do you own the saloon buildings?

Mr. WELBORN. We own three buildings, possibly four. I think we have one in western Colorado at a small mine, but we own three buildings in the coal district of the State in which saloons are located. We charge a monthly rental based on the cost of the building. We have nothing to do with the fixtures. We have nothing to do with anything else except that we exercise a form of regulation over the conduct of the saloons. We require that it shall close at an early hour in the evening and that it shall close on occasions of special excitement.

Commissioner LENNON. I understood one of the witnesses—I have forgotten just who it was—that the rental was based on the number of men employed in the mine.

Chairman WALSH. That is the Victor-American Fuel Co.

Mr. WELBORN. That is not so with our company.

Commissioner LENNON. Do you deduct bills owing saloons from the pay of the men when presented?

Mr. WELBORN. No; we do not.

Commissioner BALLARD. May I ask a question?

Chairman WALSH. Yes, sir.

Commissioner BALLARD. From some questions of the chairman I was a little uncertain about the charge of \$1 per month for medical attendance; is that universal in all mines everywhere?

Mr. WELBORN. I said I think it is a pretty common practice, where a hospital service is operated by a large employer, whether a railroad or some other company. In Colorado I know of only two or three companies that have in connection with their operations the hospital service; but in all these I believe the charge is \$1 per man per month.

Chairman WALSH. Does that include medical treatment for the family itself?

Mr. WELBORN. Yes.

Chairman WALSH. With the exception of the one instance; that is, the wife in childbirth?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Have you got all the data with you close at hand on the statistics of wage scales?

Mr. WELBORN. I have here a report, but before reading that my associate has suggested that I possibly left it open to inference that there were many other saloons in our camps than those operating in our three buildings. There are some in certain camps, but there are a number of camps with saloons, and it is our purpose at the earliest date possible to establish clubrooms at these points where there are saloons in our buildings or in the buildings belonging to other people. We have plans all but complete for a number of club buildings.

Chairman WALSH. I was going to ask you if you would please furnish us with all the statistics you have in your office with reference to wages, say, for the past five years.

Mr. WELBORN. You would like the various scales?

Chairman WALSH. The various scales, as well as all the statistics you have upon the wage question, and our statisticians then can make their own comparisons.

Mr. WELBORN. I want to refer to a report of two auditing committees, one appointed by the governor and another by a committee of newspaper men for the purpose of investigating wages in our—in the mines of the Colorado company. At the beginning of the strike we advertised in detail the earnings of our miners at a number of mines. I think all of them averaged more than \$4; that is to say, the average at each mine was more than \$4, and in the case of each mine that included all employees, all coal diggers. Those particular advertisements were investigated by one of these committees, and another one went over the records of several companies for the period of a year, taking mines at random. They proved the average wage to be \$3.58 at the Victor Fuel Co. mines, \$4.82 at the Rocky Mountain Fuel mines, and \$3.76 at the Colorado Fuel & Iron Co. mines, and they proved the correctness of particular advertisements which had shown other averages above \$4. I will not take the time to read those. I will submit something on that point, though.

Chairman WALSH. You can furnish all the statistics you have, and we will make our own comparisons.

Mr. WELBORN. It has just been suggested that we refer to the record of the proceedings before the congressional committee, if you happen to have it; at page 2544, I think, the advertisements commenced, and here is my copy if you would care to look at it.

Chairman WALSH. We have one.

Mr. WELBORN. At page 2544. When Mr. Hayes came to Colorado in August, 1913, he almost immediately called upon the governor and within a comparatively short time, I think, had a number of conferences with the governor. He stated that the miners had a great many grievances which they had—which his organization came in here to redress. No mention was made at that time of the intention to demand an increase in wages. He mentioned all the other demands, I think, included in the formal circular afterwards prepared. Gov.

Ammons called on me after the first meeting and told me something of the interview. I told the governor how I felt about the gentleman's purpose, and I believed he was here for no other reason than to organize the Colorado mines and force the operators to make contracts with them. The governor then told me that Mr. Hayes had said that unless recognition could be secured a strike would be called. He admitted at or before that time that the operators had somewhat anticipated his demands, but claimed that the State could not enforce the laws except through the assistance of the United Mine Workers' organization. I said to the governor that we would not recognize the union, explaining to him what recognition meant; that as to all of the other points which Hayes had brought up he—the governor—might—or had my consent to make inspection and inquiry at our mines and pass final judgment as to whether or not we were complying with the conditions; that we would abide by his recommendation. I think the governor will be very willing to affirm that.

I do not know whether we have covered the composition of that convention of September 15 sufficiently.

Chairman WALSH. If you have any statement you want to make, please do so.

Mr. WELBORN. I am convinced that the convention, practically speaking, or the delegates to the convention, practically speaking, were selected by the United Mine Workers of America. Their purpose was very plain. Their actions in southern Colorado, the various talks that Hayes had with the governor, all indicated one thing, and one alone would satisfy them, and that was the recognition of the union.

The result of the convention was just as we all anticipated. The strike was called. One of our first investigations—the first investigation made of the affair, a so-called investigation, was by Ethelbert Stewart, who was appointed by Secretary of Labor Wilson and called at our New York office offering his services as mediator before the convention of September 15. September 15 occurred on Monday. He called at our New York office the week before. At that time the convention had been called, but Mr. Hayes, Mr. Lawson, and others, according to our press reports, were stating that they did not know whether or not there would be a strike, that that would depend entirely upon the actions of the men, as they claimed, not the delegates to the convention. Mr. Stewart notified Mr. Murphy. I think he told him that the matter was being handled in Colorado. Mr. Stewart came to Colorado and devoted a great deal of time and attention to the United Mine Workers, and after being here 10 days or two weeks, through Gov. Ammons, asked for an interview with the coal operators. The interview was short, and a statement from him concerning it appeared in the next morning's paper. I want to read what was said on that occasion and had published. It is as follows:

"At the invitation of Gov. Ammons, made at the request of Ethelbert Stewart, J. F. Welborn, D. W. Brown, and J. C. Osgood met Mr. Stewart at the governor's office Thursday evening, October 9, Gov. Ammons being present at the interview.

"In view of the fact that Mr. Stewart has seen fit to make public a statement regarding the interview which is misleading we deem it proper to make the following statement:

"In the course of the conversation Mr. Stewart stated that he came to Colorado as a representative of Secretary of Labor Wilson, of the President's Cabinet; that he was appointed prior to the calling of the strike; that he came to act as mediator in connection with the differences which had not arisen when he was appointed, and that his appointment was made at the request of the United Mine Workers of America.

"He stated, in answer to an inquiry, that he was not a member of a labor organization, but to an inquiry as to whether he could act as mediator with an open and unprejudiced mind he made no answer.

"Mr. Stewart stated that as he came to Colorado at the request of the officers of the United Mine Workers of America he had spent most of his time with them.

"The operators present stated they would be glad to furnish him with any information he desired or to answer any inquiries he wished to make with regard to conditions and the causes which led up to the strike from their point of view, but Mr. Stewart said he did not care for any information from them upon that subject.

"Mr. Stewart then asked if the managers of the mining properties involved in this dispute would hold a formal, official conference with the officers of the miners' organization at any place the operators might suggest, or whether they would meet the officers of the miners' organization with the governor and himself in a purely informal way to talk over the matter, such meeting to be unofficial.

"To this the operators answered that they would not meet the officers of the miners' organization, either as officers or as individuals, or have any business relations with them of any kind. That they held Mr. Hayes, vice president of the organization, and his associates, as responsible for the present strike, for the violence and disorder that exist in the coal-mining district of the State, for all the efforts that were being made against the peaceable working of their properties, and to prevent the men now working from continuing at work. That there was no question now involved but the right of the coal companies of the State to operate their properties, be protected from violence, and that their employees should be protected from violence and intimidation.

"Mr. Stewart then asked if the operators had any proposition that they would like to have him submit to the miners, to which they answered that they had none.

"Mr. Stewart then stated he would make a report to the Secretary of Labor in Washington, which would include a recommendation that a congressional investigation should be held.

"To this the operators replied that they had been informed at the inception of his visit that the purpose of his visit was to lay the basis for such an investigation; that they courted an investigation by Congress and so long as such investigation was fair and not for political purposes, but simply to arrive at facts, they would welcome it.

"J. F. WELBORN.

"D. W. BROWN.

"J. C. OSGOOD."

Somewhat later than that Mr. Wilson came here. The governor referred to the conferences between the coal operators and three of their former employees, at which Mr. Wilson was present. Mr. Wilson participated in the latter part of that conference and in every sense of the word, as I think the governor stated, approved the governor's conclusions, which were later reduced to writing and a recommendation to both sides. We held then, as we always have, that we were willing to meet our employees on any question. We confirmed that declaration by meeting even the former employees who were then on strike.

You are familiar with the investigation by the congressional committee, and the fact that it has made no report. I want to say in connection with that, that witness after witness perjured himself. Witnesses were put under oath who perjured themselves on the stand, and in a number of cases the perjury was proven while the witnesses were on the stand without so much as a reprimand being administered by the chairman.

Our last investigating body before you gentlemen came was composed of Messrs. Davies and Fairley. Fairley, whom you doubtless know or have heard—if not now, he was recently of the United Mine Workers of America. He was announced as an impartial investigator. I never saw Fairley but once. Davies told us it was his purpose to confine his investigations to the operators' side of the question. He very early told us that he found conditions here much more favorable to the men than he had anticipated. Their general living conditions and wages were far better than he had been accustomed to seeing in Kentucky. I think he said the wages were about 50 per cent higher than the wages paid in Kentucky. He went so far as to say to me that he had been informed by Secretary Wilson, when he left Washington, that he would find conditions here satisfactory in the Colorado Fuel & Iron Co.'s properties, and that we were well in advance of the law in some of our practices. He may have told other companies the same thing, and probably did; I know there is justification for the statement.

We rather anticipated—I did personally—a report from Mr. Davies that would be consistent with the facts. He said to us that if he made a report or recommendation he would submit it to us before it was sent to Secretary Wilson. I was therefore very much surprised when the truce proposal came from the President to find that it was almost identical in form and substance—absolutely the same thing that had been reported from Trinidad as having been prepared by the United Mine Workers. The communication came from

the President in the first week of September. It was in the last week of July that certain representatives of the United Mine Workers announced in Trinidad that they were preparing a report from Messrs. Davies and Fairley, which those gentlemen would submit to Secretary of Labor Wilson, and which in turn would be presented to us as a basis for a settlement of the strike. I am calling attention to that to show the absolutely unfair and prejudiced method or character of investigation conducted by Davies and Fairley, who apparently are still at work, though not in Colorado.

I do not know whether the fact has been brought out that all of these tent colonies were established at strategic points, commanding the entrance to canyons in which the most important coal properties were situated.

Chairman WALSH. I think not in this hearing, Mr. Welborn.

Mr. WELBORN. That is a fact. The Ludlow tent colony commands the entrance—the public road passes right by it—to two canyons in which are located a total of six very important coal properties in Colorado. It was impossible for workmen or our own employees—the mine workmen or our superintendents to travel on the country road within a day or two after the strike was called.

When the increase in the number of mine guards was made, on account of the violence which started the day following the strike, we assured the governor that the guards would be kept on company property. That assurance was lived up to in every sense of the word, except that they were allowed to act as escorts to the superintendents or other employees going from our Berwind and Tobasco mines over the station at Ludlow; that was understood by the governor. Other colonies were located in equally important positions.

Some witnesses have stated that the strikers of to-day were the strikebreakers of 10 years ago. I want to say in the most positive terms that that is not true.

I do not believe in applying the term strikebreaker to the men in our employ 10 years ago, as they were in every sense of the word workmen coming here and remaining.

I think that in the natural sifting process a very small percentage of our employees in September of last year were men who came at the time of the former strike, though some of them undoubtedly were. Many of our men have been with us 20 years; some few 30 years, but the so-called strikebreakers of 10 years ago were not the strikers of to-day. And Senator Patterson criticized us for referring to those who were committing the violence in October as "foreigners." He stated that we had brought them here. That, in every sense of the word—that is, the statement that we had brought them here—is, in every sense of the word, false. That those who were guilty of the most of the violence were strikers I believe is true. But I claim that they were not our former employees. In fact, I know that they were not, in the main. Veterans of the Balkan war found the strikers' ranks a very desirable place to go, and many of them were employed, or went there and really led in the raids made on the mining properties. They forced many of the so-called, many of the actual strikers to accompany them, yet I doubt if very many of our former employees engaged in this serious part of the violence. They were in the raids and made a show of numbers, but I do not think a large number, a large proportion of them engaged in the attempts to destroy our property and kill our people.

On one occasion, within two or three months, the Ludlow tent colony, all that district there in which the strikers in large numbers, so-called strikers, are now living—was practically without Greeks on account of their having gone to work, those who had formerly been there, returned to work. I think at one time they got down to 10 or 15, or something like that. In a very short time the number of Greeks increased to a very substantial figure, and the Greek ranks are now composed of men who were not formerly employed in the coal mines.

Mr. Osgood read some figures into the record the other day showing the number of men, of English-speaking men, immediately after the strike was called. In October, immediately after the strike was called, 7,696. In the following month, November, 8,016 were at work; 8,016 represented about 65 per cent of the original number, the number employed just before the strike.

As I stated awhile ago, no men were brought in until December, and then less than a thousand, and a considerable number of those joined the strikers' ranks. I think not over 500 or 600 of the new men—700 at the outside—went to work. Yet, in December the total number working had increased to 9,665,

and in January it was over 10,000. There are now 11,446 working, 900 less than when the strike was called. Those men are working shorter time than has usually been the case at this season of the year. Nine thousand men in Colorado would to-day produce all of the coal that the market will take.

It may not be out of order here to give some figures, which, from one point of view, cause no pride on my part, but they are figures which serve to indicate that we are doing about as we can for our workmen.

In 11 years our company has paid \$960,000 in dividends on a capital stock of \$36,000,000. In the same time we have paid somewhere between \$90,000,000 and \$95,000,000 in wages.

Commissioner WEINSTOCK. Will you repeat those figures?

Mr. WELBORN. Nine hundred and sixty thousand dollars we have paid in dividends.

Commissioner WEINSTOCK. Which would be about \$90,000 a year?

Mr. WELBORN. Yes; but practically all paid in one year.

Commissioner WEINSTOCK. On how much capitalization?

Mr. WELBORN. Thirty-six million dollars; about 2.7 per cent.

Commissioner WEINSTOCK. Two and seven-tenths on—

Mr. WELBORN. In 11 years; not that per cent per annum.

Commissioner WEINSTOCK. It would be about one-quarter of 1 per cent a year?

Mr. WELBORN. Yes; something about that.

Commissioner WEINSTOCK. On the investment?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. Does that reasonably represent actual investment or water?

Mr. WELBORN. I know of no water in it. I say it represents actual investment. The worth is there.

Commissioner WEINSTOCK. With that kind of a showing, if I may be permitted to ask at this point, how did you get capital to invest?

Mr. WELBORN. Well, unfortunately for the capitalist, we had it, and after it was there he had to allow it to remain. We have not taken in any new capital in the last 10 or 12 years. He has lived in hope—some of them have had hopes, I know—but he could not get it back after it was put in the business.

Commissioner WEINSTOCK. You say that this \$900,000 dividend was paid largely in one year?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. What year was that paid, if I may ask?

Mr. WELBORN. Paid for 1912-13. That represented a part of cumulated dividends. I think that represented part of the cumulated dividends on preferred stock and was paid very slowly out of the cumulated surplus.

Commissioner WEINSTOCK. What is the market value of that stock at the present time?

Mr. WELBORN. Just at the moment I fear it has no market value to speak of. Immediately prior to the war and the closing of the stock exchanges it was selling around 30, perhaps a little under 30, the common stock. There is a small preferred issue of \$2,000,000.

Commissioner WEINSTOCK. Pardon the interruption.

Mr. WELBORN. That is all right. I would be glad to answer you. I much prefer you did it.

Commissioner BALLARD. Any bonds?

Mr. WELBORN. Yes; we have outstanding something over \$41,000,000 in bonds. We have been enabled to pay the interest on our bonds, and that is about all. I should like to refer to a report which I read not long ago of Dr. Atkinson.

Chairman WALSH. What is the total capital stock?

Mr. WELBORN. Thirty-six millions and a little more—I will give you the exact figures—of common stock. Thirty-four million and a fraction of common. I will give you the exact figures while we are at it: \$34,235,500 common and \$2,000,000 preferred. We have an issue of a little over \$45,000,000 of bonds, something over \$4,000,000 of which are in the treasury.

Chairman WALSH. How many acres of land have you?

Mr. WELBORN. About 300,000 acres.

Chairman WALSH. Was any of this stock given as bonus to bondholders?

Mr. WELBORN. Not to my knowledge.

Chairman WALSH. How much cash was invested?

Mr. WELBORN. Oh, I don't know. You see this company is the result of the consolidation of two other companies in 1892. Since then the stock has been increased, not only the stock but the bond issue, from time to time, to provide additional coal operations and the steel plant.

Chairman WALSH. What valuation do you place upon the land?

Mr. WELBORN. Well, we have no arbitrary valuation per acre placed on all of the land. Some of our land is worth two or three hundred dollars an acre, and we have some worth five or ten dollars an acre.

Chairman WALSH. How much land have you that is not being worked?

Mr. WELBORN. Most of our land is not being worked, only a very small portion of our land.

Chairman WALSH. How much of it is out of use entirely?

Mr. WELBORN. Well, it is quite proper to say we have a good deal in use in connection with coal operations, the ground immediately under the shaft, or immediately ahead of the existing operations.

Chairman WALSH. How much of it is arable land that you have?

Mr. WELBORN. Practically all is arable.

Commissioner LENNON. How much of the land; how large a proportion is subject to irrigation?

Mr. WELBORN. A very small proportion.

Commissioner BALLARD. Subject to cultivation, what?

Mr. WELBORN. No; I didn't catch that question. I meant it was not subject to cultivation. Most of it is not subject to cultivation because of being high and dry.

Chairman WALSH. Not arable, then?

Mr. WELBORN. No.

Commissioner LENNON. Did you purchase any out of the school lands from the State?

Mr. WELBORN. No. We have one lease from the State, a little less than—exactly 800 acres; one tract of 640 acres and another tract of 160 acres.

Commissioner LENNON. Could you get a copy of the lease from the secretary?

Mr. WELBORN. We can give you copies of the leases. They are on the basis that we pay 10 cents per ton royalty. We operate almost continuously at both properties, and I say for the record that both are actively being operated. We have already paid the State, according to my testimony before the congressional committee—that will show it exactly—but I think over \$70,000 in royalties on the one tract.

(See Welborn Exhibit No. 1.)

Chairman WALSH. Do any of your bonds pay less than 5 per cent?

Mr. WELBORN. No; none of them less than 5 per cent.

Chairman WALSH. Some of them 6?

Mr. WELBORN. A very small portion 6 per cent.

Chairman WALSH. What does the preferred stock pay?

Mr. WELBORN. It has a dividend rate of 8 per cent, but——

Commissioner GARRETSON. Is that before any dividends are paid on the common?

Mr. WELBORN. Yes. There are accumulations now of, I think, 48 per cent preferred dividends on that stock.

Commissioner WEINSTOCK. That are unpaid?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. Accumulated?

Mr. WELBORN. That is accumulative stock; yes.

Commissioner WEINSTOCK. Stock or bonds?

Mr. WELBORN. No; that \$2,000,000 preferred stock is cumulative.

Commissioner WEINSTOCK. Preferred stock?

Mr. WELBORN. Yes.

Chairman WALSH. Commissioner Garretson would like to ask some questions on that point.

Mr. WELBORN. Very good.

Commissioner GARRETSON. You said a moment ago that there had been no stock issued as bonuses to stockholders.

Mr. WELBORN. I said none to my knowledge.

Chairman WALSH. Bonds?

Commissioner GARRETSON. Bonds or stock, either one. Has any bonds or stock been issued to stockholders?

Mr. WELBORN. Not to my knowledge.

Commissioner GARRETSON. The C. F. & I. is the sequel to certain other properties?

Mr. WELBORN. Yes.

Commissioner GARRETSON. That came together?

Mr. WELBORN. Yes.

Commissioner GARRETSON. Was the capital stock at the time of the combination of those properties in excess of the individual amount of capital stock of the properties consolidated?

Mr. WELBORN. My impression is that it was. Yes; I find my impression is correct.

Commissioner GARRETSON. You referred to the amount that you paid in dividends and the amount you paid in wages. What relation has the amount paid in dividends to the amount paid in wages?

Mr. WELBORN. Well, that is—

Commissioner GARRETSON. One is operating cost; the other is profit. Does not operating cost always take precedent over profit?

Mr. WELBORN. Yes, it does. But how long can that operating cost be continued unless the man is responsible, unless the body of men responsible for the operation—that is, those who put up the money—can get some profit?

Commissioner GARRETSON. Can dividends or profit ever come until operating cost is disposed of?

Mr. WELBORN. It can not. The operating cost ought to be kept down to such a point as to make it possible to run a little profit to the investor.

Commissioner GARRETSON. Has an enterprise a right to exist that can not meet its operating cost?

Mr. WELBORN. I question whether this community, and the men employed here, would be any better off if the property were closed down, rather than continue to operate and pay the employees somewhat smaller wages than they are now receiving, that the stockholder might enjoy a small return on his investment, and be justified in continuing to keep it up.

Commissioner GARRETSON. If the same amount of consumption took place?

Mr. WELBORN. The closing down of our industry would mean a portion of the consumption would cease.

Commissioner GARRETSON. Well, I was going on the assumption that in a necessity which coal is—

Mr. WELBORN. Well, I might say this, Mr. Garretson, if we paid the wage that is paid in a number of the unionized districts, we would have a little money left for the stockholder, a little to lay aside as a prospective dividend some day, rather than practically nothing.

Commissioner GARRETSON. I did not apply the question of operation—operating cost and profit—to coal mining alone, but to any proposition, any commercial proposition.

Mr. WELBORN. I am applying all of my figures to my own industry, for the purpose of calling attention to the fact that the workman has had a large share of it, practically speaking, and the stockholder has had nothing.

Commissioner GARRETSON. Well, if the workman was not entitled to all of it, should he have it?

Mr. WELBORN. He should have what he is entitled to; yes. I do not mean to imply that he should not, sir. I claim that he is to-day in Colorado getting more than he is entitled to, based on the assumption that the men who initiate the business are entitled to some little return on their investment.

Commissioner GARRETSON. As an ethical proposition under the present business system, the workman is not really a partner in the speculative end of the venture?

Mr. WELBORN. I would not admit that, entirely.

Commissioner GARRETSON. If so, he is the silent partner, then?

Mr. WELBORN. Not entirely.

Commissioner GARRETSON. That is all.

Mr. WELBORN. Did I give you the percentage of the English-speaking men employed at our mine this morning? I think I did.

Chairman WALSH. I think you told me this morning there was 30 per cent.

Mr. WELBORN. Just a little bit less than 30 per cent at all of our properties. I think it is necessary, in justice to myself and friends, and to the public interests, that certain statements of Senator Patterson, which were so wide of the truth, should be answered.

Commissioner LENNON. You mentioned Mr. Atkinson.

Mr. WELBORN. Yes. Mr. Atkinson had an article in a recent issue of Leslie's Weekly on the Colorado situation. He expressed himself for publication in May, I think it was, in New York, in a manner which to an extent condemned the attitude of the operators. He came out here, I don't know whether for the purpose of investigating the situation or not, but while here he did investigate it. He made a report and wrote something for Leslie's Weekly which I would like, if you have not got it, to have the privilege of turning in a copy. You may have a copy of it.

The Senator spoke of a conference——

Chairman WALSH. Pardon me, my attention was diverted. What were you trying to give us there?

Mr. WELBORN. I do not mean Atkinson, either, I mean Dr. Seligman. I can't recommend that you read Atkinson's report.

Commissioner GARRETSON. Somebody else will.

Mr. WELBORN. Doubtless. Senator Patterson——

Chairman WALSH. You have that article there?

Mr. WELBORN. I will get it, if you want it.

Chairman WALSH. I wish you would.

Mr. WELBORN. I thought you might be familiar with that. If not, I will be glad to send it in to you.

(An article entitled "Colorado's civil war and its lesson," by Edwin R. A. Seligman, professor of political economy, Columbian University, New York, from Leslie's Weekly, November 5, 1914, was later submitted in printed form.)

Senator Patterson referred to a conference between the governor and ourselves and the three coal operators, at which he was present, and stated that it followed a conference between he and the leaders of the United Mine Workers, and was brought about by his suggestion.

The facts with regards to that conference are these: On Sunday evening, October 26—in fact, it was late in the night of that day—we had been pressing the governor very hard for over 24 hours to call out the militia and save our mines, those that I have referred to before; several of them were under serious attack. He called me up at the Denver Club and asked me if I would—he said that he thought the strike leaders and the strikers would waive recognition and increase of wages, and if the operators could see their way clear to do some small thing it might help him out. He said he was tired and sick and ought to be in bed. I told him I thought of nothing that we could possibly do, and certainly no concession to make to that element to cause it to cease its murderous attack on our people. I did say to him, however, that if he chose to write the operators a letter, setting forth the points in the demands of the strike leaders which were covered by the law, and ask us whether or not we would obey them, that we would gladly answer in the affirmative. I must say that we were not disobeying those laws. But I told him he might make the letter strong enough so that our acceptance of it would carry the statement that we would assist him in seeing that the laws were enforced. He then asked if he might have a meeting with us that night. I told him that one of the gentlemen had gone home about half sick, and I didn't want to call him, but that we would see him early in the morning. We went to his office early next morning, about 8 o'clock. Before making the appointment he asked if I would object to Senator Patterson being with us, being present at the meeting. I asked him in what capacity he desired that the senator should be there. He said solely as his friend, because he was in that worn-out condition. I gave my consent to Senator Patterson's presence at the conference.

We met the next morning, as I say, at 8 o'clock. I think the best way to cover the meeting is to read a letter which we sent to Senator Patterson on October 14 of this year. It not only serves to recite some of the details of the conference, but it calls attention to some other things that the Senator omitted the other day.

Perhaps I had better read the Senator's letter to us. I will leave it for the record. It is not so material, and I do not care to take your time.

(The letter so referred to is as follows:)

DENVER, COLO., October 5, 1914.

Mr. J. F. WELBORN, Mr. JOHN C. OSGOOD, and Mr. D. W. BROWN,

Denver, Colo.

DEAR SIRS: You will remember that in October, 1913, with Gov. Ammons, we had a number of interviews with you, having in view reaching common ground for you and those representing the striking miners as the basis of a settlement of the then existing strike. You gentlemen, as we understood it, refused to have

any communication whatever upon the subject with Messrs. White and Hayes, or any other officers of the union residing out of the State, upon the subject of a settlement. To bridge that impediment over it was suggested by me and Gov. Ammons that Gov. Ammons would write you a letter purporting to set forth the things of which the miners complained, which would not contain any reference to the recognition of the union, and that he would also prepare, to accompany the letter I have referred to, the copy of a letter which you were to prepare and sign and return to the governor, giving an answer to each item of the suggested complaints in Gov. Ammons's letter to you. As I recall it now, you were unwilling to adopt the letter which you were to sign if you approved it, and prepared and addressed to Gov. Ammons in lieu thereof a letter of your own as a substitute for the one prepared and sent you by the governor, which was the subject of some little controversy between you gentlemen on the one side and Gov. Ammons and me on the other.

I went to the governor's office to-day to get that correspondence. The governor is out of the city and will not return until the end of the week. The only letter of the correspondence the clerk could find was that of October 27, 1913, which was the letter direct from Gov. Ammons to you. I have no doubt you have all the correspondence. I would consider it a favor if you would send me copies of your proposed substitute for the letter which you were to address to Gov. Ammons which accompanied his letter of October 27; and also a copy of your substitute for that letter. As I recall it, the objection that was made to your substituted letter was that it did not make specific answer to each one of the complaints made by the miners, with a promise to observe the statutes, etc., upon which their complaint was based, but in effect grouped all the complaints with reference to sections of the statute together and in effect said that the operators had always obeyed the law, and that you would continue to do so and would obey the specific laws referred to. However, the letters, that of Gov. Ammons directly to you, and the letter which you were asked to sign and return to Ammons, together with your proposed substitute letter, will tell the entire story. I should like very much to have a copy of the entire correspondence, and I hope you will not consider I am asking too much to be supplied with it.

Will you kindly address me a note stating whether you will furnish me with these copies or not and when it can be done?

Hoping to have a favorable reply, I am,

Very truly, yours,

T. M. PATTERSON.

We acknowledged receipt of it:

"We are in receipt of your letter of October 5. There is some misunderstanding on your part with regard to the correspondence referred. We will have the matter looked up and advise you again within a day or two."

It was more than a day or two, various matters came up that prevented us from writing. We sent this letter:

"Referring again to your letter of October 5, 1914, our first impression that your recollection was at fault with regard to interviews and correspondence with Gov. Ammons on October 27, 1913—which correspondence you found missing from the governor's files—is confirmed by conference with the other parties present at the interview and memoranda made at the time.

"We had three interviews October 27, 1913, with Gov. Ammons at which you were present. These are the only interviews we had at any time with the governor at which you were present.

"At that time we were not asked to meet Messrs. White and Hayes or other officers of the union, and, therefore, did not at that time decline to do so.

"The suggestion that Gov. Ammons should write a letter did not, as you state, come from Gov. Ammons and you, but that suggestion was made by the operators, and no suggestion was at any time made that Gov. Ammons should prepare a letter for us to sign in answer to a letter he was to write.

"As no such correspondence as you refer to in your letter ever existed you undoubtedly could not find it in the governor's files and we can not furnish you copies.

"Notwithstanding that on October 7, 1914, we answered your letter of October 5 stating, 'There is some misunderstanding on your part with regard to the correspondence referred to, but we will have the matter carefully looked up and advise you again within a day or two,' we find from a stenographic report of your address at Pueblo the following day, October 8, that you made a state-

ment reiterating and enlarging on the statements made in your letter of October 5.

"On that occasion you read to the audience a letter addressed to us and purporting to be signed by Gov. Ammons, setting forth certain conditions looking to a termination of the coal strike, which letter you stated was prepared by you and Gov. Ammons with a view to securing our approval of the suggestions which it contained. In your speech you commended the conditions set forth in the letter, asserting that the coal operators refused to accept the same. As a matter of fact, the form of letter, which you read, was not written by either you or Gov. Ammons, but, on the contrary, at his request, was prepared by us as a substitute for one suggested by him. Instead of refusing to accept the conditions proposed they were, as a matter of fact, conditions suggested by us.

"In the interviews of October 27, 1913, you strenuously objected to the form of this letter and stated that you would advise the strike leaders not to accept it. We are very glad to know that the conditions which you once severely criticized now receive your commendation.

"The form of letter which you read at Pueblo was handed by us to Gov. Ammons on the evening of October 27, 1913, and was never signed by him nor sent to us by him. At the time we handed it to him we stated that if he sent as such a letter we would promptly acknowledge it, accepting the conditions proposed.

"Although you stated that you would advise the strike leaders against accepting this form of letter, Gov. Ammons said he would present it to them and do the best he could. We were later informed that the strike leaders refused to accept this form of letter and that the governor had ordered out the troops.

"We had repeatedly assured the governor verbally of our intention to fully comply with all the laws of the State relating to coal mining and to assist him in every practicable way in their enforcement; but, in order that there might be no question with regard to this, we, on November 5, 1913, addressed a letter to him substantially to the same effect as the letter which you read to your Pueblo audience.

"You will recall that on October 27, 1913, when the interviews referred to were had and for two days preceding an armed body of from five to six hundred strikers was engaged in an attack on our mines in Delagua and Berwind canyons in an attempt to destroy our property and to kill and injure our employees and their families, and that during those attacks they did kill three of our employees and wounded a number of others, including two little children.

"During those interviews you did not utter one word of condemnation of these acts of violence, and when asked whether you approved them your answer was, 'In all great movements for industrial reform, violence and bloodshed, and lots of it, are bound to occur.'

"No such conversation as that related in your Pueblo speech about our meeting the union leaders occurred at the interview of October 27, 1913. Our reasons for not meeting them were fully set forth in a statement published in the daily press, so that your misrepresentation of our reason is entirely uncalled for.

"Sincerely,

"THE COLORADO FUEL & IRON Co.,
By J. F. WELBORN, *President*.

"THE ROCKY MOUNTAIN FUEL Co.,
By D. W. BROWN, *President*.

"THE VICTOR-AMERICAN FUEL Co.,
By J. C. OSGOOD,

"Chairman of the Board."

Mr. WELBORN (continuing). One of our objections to the letter proposed by the governor—really proposed by the Senator; at least he claims to have prepared it—was that in quoting a certain statute, the one regulating or prohibiting interference with men joining the union, he left out the word "unlawful," which materially changed the meaning of the section or provision, and then amplified the quotation by giving his interpretation of its meaning.

Chairman WALSH. I did not catch that, Mr. Welborn.

Mr. WELBORN. I say, one of our objections to the letter which Senator Patterson prepared and sent as the governor's proposed letter—mind you, the governor said to us, "I will forward you a draft of a letter." He telephoned

me, in fact, that it was ready and being sent down, or I could send up for it. He says, "It has been written hurriedly and I want your cooperation in reframing it if it does not quite suit you in form."

So we went to work. We were pretty busy that day receiving communications from our terror-stricken people in those canyons, and trying to provide additional means for protection if we could; and we did not get to a conference until late in the day—another conference.

Chairman WALSH. Pardon me, I still do not understand.

Mr. WELBORN. Well, I did not finish, I see. The Senator had quoted a certain statute relating to the right of the men to belong to a union. He left out the word "lawful." The statute reads something like this—

Chairman WALSH (interrupting). Well, that took place when—in the testimony?

Mr. WELBORN. No; in that suggested letter that he prepared for the governor. Then he amplified the quotation by giving his interpretation of its meaning. We objected to that and to some other things. We preferred to either quote the statutes or the particular sections in full, or to simply refer to them by numbers.

Commissioner WEINSTOCK. If I may be permitted at this point, I may be in error, but my recollection is that in his testimony Senator Patterson made a statement to the effect that he and the governor alone had worked out this plan of preparing a letter from the governor to you gentlemen and a proposed answer from you gentlemen to the governor.

Mr. WELBORN. That is what he said, and it is my purpose to correct that as well as some other false statements of his.

Commissioner WEINSTOCK. I see. I gathered from what you said a little while ago that he alleged that you were present at this conference when it was understood that the governor was to write you a letter, and you in turn would reply, and that both letters would be prepared in the governor's office.

Mr. WELBORN. The preparation of such a letter was suggested by me. I do not like to claim too much personal participation in that, but it was at the request of the governor that we do some little thing which he hoped would enable him to secure concessions from the strike leaders that would result in the calling off of the strike. My suggestion was that he, the governor, prepare a letter calling attention to these several demands in the strikers' schedule of demands, which were really covered by the law, and ask us if we were willing to say in writing that we were willing to live up to the provisions of those particular sections. I told him if he did write such a letter we would immediately answer in the affirmative. He then said, "May Senator Patterson be present at the conference?" We were going to meet the following morning to discuss the principal sections and general form of the letter. I asked him in what capacity was the Senator to be with us, and he said as his friend, to which I offered no objection. We met in the morning. We went over the sections of the statutes that were to be incorporated in the letter, and thought we had a clear understanding as to what was to be stated concerning it. In a short time after going to our office I received a telephone message from the governor saying the letter had been hurriedly prepared and was ready for us, and that he would be glad to have any suggestions as to any change that might occur to us. We were unable to get to work at it and make our suggestions until in the evening. And this particular failure—the failure to quote this particular one section correctly—caused the first objection on our part. When we called attention to that omission the Senator showed some little feeling and said we were quibbling, although the omission of that word and his amplification of the particular statute clearly changes its meaning.

The Senator also apparently tried to convey the impression that recognition of the union did not mean the making of a contract under the terms of which none but members of that union should be employed by the operator, and that provided for the check off. There is no other possible interpretation to be put on the term "recognition of the union" as it is understood in the West and as it has been practiced in the past. I think Mr. Curtis's testimony yesterday very clearly showed what "recognition of the union" means. The Senator also said that the strikers, at the time of that conference, had gotten beyond the control of the leaders, or that the leaders claimed they had. One of the leaders, Mr. Lawson, down in the vicinity—at and in the vicinity of Ludlow on Saturday, the 25th, and Sunday, the 26th, and this came up at the governor's request on Monday, the 27th—the day we had our conference with the governor. Later, after the militia was called out, current rumor in the south is

that Lawson telephoned to the leaders out in the hills, or sent messages to them out in the hills, to come in. We know there was a very quick response to some request or some influence, for firing on our properties was stopped almost instantly—did not cease gradually. No action, however, was taken by any of the strike leaders to bring about a cessation of the attack on our people while this conference was in session.

The Senator had something to say about the influence of the coal operators in politics in southern Colorado, and the control by the coal companies of the officers and of the elections, and so on. There is absolutely no foundation for anything that he said on that question—on that subject.

The Senator—I will have to use the word "Patterson," I guess—Mr. Patterson testified that after the outbreak at Ludlow on April 20 and the calling out of the militia we had everything quieted down. The facts are that the greatest amount of violence in all this strike occurred after the militia were sent into the field the second time, and while they were acting under this truce established between the governor and Hawkins, to which I referred a little while ago. It was during the existence of that truce that the men were killed at Forbes, and in the attack on our mines at Walsenburg. Property was destroyed, a doctor killed, and a number of people injured. There was absolutely no attention paid apparently to the truce by one side. The Senator said that at the special session of the legislature he found that representatives of the corporations themselves as well as labor representatives had fought the proposed compulsory arbitration law. As to the Colorado Fuel & Iron Co., I can say that we had absolutely nothing to do in a lobbying way or any other way with the extra session of the legislature. We opposed no bills and favored none, openly or in any other form. We may have had our views, but they were not expressed.

Senator Patterson stated that he went on the theory that few employers voluntarily raised wages. I have called attention to our voluntary advances made in wages during a period of 10 years, slightly less than 10 years. The Senator also charged us with violating the law, saying that we smiled when we denied that we violated them. There isn't any warrant for that statement. I suppose a man might be allowed to smile when he denied a false charge, even though it did not strike him as being very funny. But the main point is that there was no violation of the laws, so far as I know, on the part of the three operators, and I can speak for myself positively.

Commissioner LENNON. He may have meant a smile as they use it in Kentucky.

Mr. WELBORN. Well, we could not do that while we were in the governor's office—while we were there. The governor is a total abstainer, I think.

The Senator contends, I know, that it has been the deliberate policy of the C. F. & I. to fill their mines with foreigners of different countries. They have made this statement that 12 or 14 years ago—he speaks of some one else who 12 or 14 years ago said that he was furnishing us men, and that when he got an order it was in writing, and frequently specified the number of various nationalities. There has been no purpose, either direct or indirect, no movement on our part, to fill our mines with foreigners. It is not improbable that in times past we have, when desiring men at a certain point, specified Italians or Austrians, or something of that sort, depending entirely on boarding-house facilities. It might be that they were Italian or Austrian boarding-house keepers. But during the past 10 years we have not found it necessary to go outside for employees. The difficulty with us has been to furnish employment to the men applying for work.

That is all I have to say about the Senator's statement, I think.

Chairman WALSH. At this point we will stand adjourned until Monday morning at 10 o'clock when you will please resume the stand, Mr. Welborn. In view of the fact, Mr. Welborn, that you have been on the stand continuously you may produce those papers then, if you will.

Mr. WELBORN. Rather than this afternoon?

Chairman WALSH. Yes.

Mr. WELBORN. Very well; that will give me a chance to get them up.

(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned until Monday, December 7, 1914, at 10 o'clock a. m.)

DENVER, COLO., *Monday, December 7, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, and Weinstock.

Chairman WALSH. The commission will please be in order.

TESTIMONY OF MR. J. F. WELBORN—Continued.

Chairman WALSH. Did I ask you close to the close of your testimony Saturday evening whether or not you would have produced all of the orders that you have given with reference to the enforcement of the laws of Colorado in your industry?

Mr. WELBORN. That was suggested. I think you asked me for that sometime during the investigation, and I stated that Mr. Weitzel would bring that, because he has issued those orders.

Chairman WALSH. Has it ever been a practice in your company, Mr. Welborn, to discount this scrip that has been given to the men at the time it was given to the men?

Mr. WELBORN. Never; no.

Chairman WALSH. Do you know it to be a fact that storemen have ever been in the habit of directing the men to places where it might be cashed at a discount?

Mr. WELBORN. I have no such knowledge, but am quite sure they have not done it. If we had learned of such a practice, we would have immediately stopped it.

Chairman WALSH. You have no knowledge of any such practice?

Mr. WELBORN. No.

Chairman WALSH. There is a statute passed in 1908, I see, as follows: "No employee, agent, superintendent, manager of business, or number of employees of any company, corporation, or person carrying on mining, or manufacturing, or railroad operations, in any precinct shall be appointed judge or clerk of election." Has that law been violated, to your knowledge?

Mr. WELBORN. To my knowledge it has not. I confess to never having heard of the law before; I do not recall having heard of it.

Chairman WALSH. Is it a fact that your employees in what are known as closed camps do act as judges and clerks of election?

Mr. WELBORN. It may be that our employees in any and all of our camps do that; I am not sure.

Chairman WALSH. You have never—this is your first knowledge of this law?

Mr. WELBORN. Yes; the first time that it has ever been called to my attention.

Chairman WALSH. And has your company, so far as you are concerned, made any effort either to have your employees judges of election or to prevent them from being appointed judges of election?

Mr. WELBORN. I have instructed that our employees, or those who might be considered officers of our mines, should not serve as clerks or judges of election, if it were possible to secure the right kind of people for those places from other sources. I have not gone to the extent of interfering with the rights of those men, but I have suggested that in my judgment they should not serve in that capacity if it could be avoided.

Chairman WALSH. I believe you stated Saturday that so far as you knew there was no compulsion used or influence brought upon the men with respect to the exercise of the election franchise in these closed camps?

Mr. WELBORN. Yes, sir; I stated that.

Chairman WALSH. Have you observed the result of the last election, with reference to the election of candidates for office, as well as constitutional amendments?

Mr. WELBORN. I have had the result called to my attention in a number of precincts where coal operations were conducted, as well as elsewhere. I think I learned of this result on the night of election. I had a point where returns were received and I was impressed with certain figures.

Chairman WALSH. There was an amendment called No. 11 on the ballot which submitted the question as to whether or not workmen employed in industries in Colorado should be relieved from the present common-law rule of assuming the risk, the ordinary risks of injury and death in their employment; are you familiar with that?

Mr. WELBORN. I know that such an amendment was up.

Chairman WALSH. Is it a fact that in the closed camps, or in certain closed camps, the vote upon that amendment was practically unanimous on the part of the workmen not to be relieved from the assumption of the risks for their injuries or deaths?

Mr. WELBORN. I do not know that was the result.

Chairman WALSH. Have you observed the result of the vote on amendment No. 11 as it compared with the vote on the candidates for office?

Mr. WELBORN. No, sir; I have not.

Chairman WALSH. I believe I asked you to produce some papers, Mr. Welborn?

Mr. WELBORN. Yes. There were some figures—

Chairman WALSH (interrupting). First, the telegrams that passed between yourself—your company—and Mr. Rockefeller?

Mr. WELBORN. I would like to correct some figures given on Saturday—estimates as to the number of houses we have. I have forgotten what figure I gave, but I have found that the number, large or small, is 1,755.

Chairman WALSH. Do you remember what you stated about it Saturday?

Mr. WELBORN. No, I do not. I simply want to put the correct figures in. My statement was based on memory before.

I also stated, in answer to a question as to the return on our investment in houses, that it would probably run 6 or 7 or 8 per cent. You asked me to determine which of those figures was correct. I find that in one of the last two years they earned 6.7 per cent, in the other 7.7 per cent, without depreciation being charged off for houses that had long been out of use, and probably could not be repaired at much less than their original cost.

Chairman WALSH. Please state what items of cost—but first as to the cost. Does that apply to the four-room house which you said cost \$700?

Mr. WELBORN. About \$700.

Chairman WALSH. Does that apply to brick as well as frame houses?

Mr. WELBORN. Yes—concrete rather than brick. We build no brick houses, but we do build, and have particularly within the last few years, of concrete blocks.

Chairman WALSH. Please give me the items that go into that. What do you charge in that? Do you charge for the architect's charge?

Mr. WELBORN. We have no architect. Our own engineer—I think, as a rule—draws the plans, for which no charge is included in the item put up against the cost of the houses. In a great many cases—perhaps most of the cases—the houses were built under contract, and the contract figure, together with painting, or other small items that we might put on later, represents the book cost of those houses.

Chairman WALSH. Are the houses let to competitive bidding—the building of the houses?

Mr. WELBORN. Yes, when contracted, if competitive bidding can be secured.

Chairman WALSH. Now, how much does it cost to build a three-room house, such as are occupied by your men?

Mr. WELBORN. I should think about the same per room as the four-room house; probably lessen it about one-fourth less for a three-room house. That would be my estimate. I haven't in mind the exact figures.

Chairman WALSH. And a two-room house?

Mr. WELBORN. I should say our two-room houses probably cost about half of what—about half the amount.

Chairman WALSH. Take the camp at Delagua?

Mr. WELBORN. Well, that is not our camp.

Chairman WALSH. Which is your oldest camp?

Mr. WELBORN. Our oldest operating camp is now Walsen.

Chairman WALSH. Walsen?

Mr. WELBORN. Yes, sir.

Chairman WALSH. Now, take the houses which are the oldest—say, 30 years.

Mr. WELBORN. We have a few at Walsen; something like 20, I believe.

Chairman WALSH. And are the figures you have given the commission based upon the valuation of \$700 for all of the houses regardless of the length of time which—

Mr. WELBORN (interrupting). No; as to those houses, the figure of \$700 would not apply. My impression is that those houses were taken into our accounts at some nominal figure at the time of the consolidation of the two old companies.

in 1892. I know much of the equipment which came over with the Walsen mine was returned at a very low figure.

Chairman WALSH. Now, was there something else you had there?

Mr. WELBORN. Nothing relating to that; no.

Chairman WALSH. Well, if you will kindly give me the papers spoken of.

Mr. WELBORN. Here is a file that contains the telegrams—that contains the correspondence, rather, which started with the telegram that was read into the record on Saturday, or, in reality, started with one that preceded that a few hours, from Mr. Rockefeller, addressed to Mr. Bowers and myself. That first telegram I will be glad to read, if you—

Chairman WALSH. Well, I would like to see all of them.

Mr. WELBORN. Very well. I will turn them all over to you. I will say what this file consists of, then, if you please.

Chairman WALSH. Yes, please.

Mr. WELBORN. That was a telegram from Mr. Rockefeller to Mr. Bowers and myself repeating a message which he had received from Dr. Foster, in which Dr. Foster stated that William Green, secretary and treasurer of the International Mine Workers, had made a public statement that recognition of the union would be waived.

Chairman WALSH. A moment. Let me ask you a question. Does that file you have in your hands contain all the telegrams which passed between you and John D. Rockefeller, jr., pertaining to the business of the Colorado Fuel & Iron Co.?

Mr. WELBORN. Between what dates?

Chairman WALSH. Between April 30 and the present day.

Mr. WELBORN. No; this file does not. This is a distinct file on another subject; that is, a particular subject, the one initiated by Dr. Foster's telegram to Mr. Rockefeller, which I have just referred to.

Chairman WALSH. What I would like you to do is to have you turn all those telegrams over to the commission.

Mr. WELBORN. Well, there are a good many telegrams that do not relate to the question.

Chairman WALSH. Do they refer to the business of the Colorado Fuel & Iron Co.?

Mr. WELBORN. Some do, and some are probably personal.

Chairman WALSH. We will not ask for any of a personal nature, of course; but any that refer in any way to the business of the Colorado Fuel & Iron Co., we have to ask for.

Mr. WELBORN. I understood you that you wanted telegrams that related to the subject under discussion, you said.

Chairman WALSH. Yes; but I think I asked you—I intended to ask you—for all of the telegrams, and then those that we considered germane, we would have you introduce in the record, and those that we did not, of course, we would not.

Mr. WELBORN. Well, I should say—there is correspondence other than that contained here, which I will be very willing to show you and go over with you.

Chairman WALSH. That is what I intended to do.

Mr. WELBORN. That will have to be done out of session, probably, because it is voluminous in character.

Chairman WALSH. Very good, and we will be glad to give you the time—I probably did not make myself clear—to do that, so that we can make a complete record of all that we consider germane.

Mr. WELBORN. Yes; very good; and then file those, and we will let it rest until that time.

Chairman WALSH. Let it rest until that time, and I will take the matter up with you personally with the commission, and we will determine what we think is germane. Now, any other correspondence?

Mr. WELBORN. Well, I was influenced in gathering other correspondence by the same understanding.

Chairman WALSH. Very good. Then we will consider it all together.

Mr. WELBORN. Very good.

Chairman WALSH. There was certain correspondence, for instance, with Mr. Murphy as to which Mr. Herrington made some suggestions, and which I will take up with you in the same way.

Mr. WELBORN. Yes; very good. You asked particularly—but that may be included in the other correspondence, possibly—about a letter that I stated I had received from Mr. Rockefeller recently. You asked if I had recently re-

ceived a letter from him, and I said in reply that I had in the last two or three weeks; and if you prefer I will let that go with the other.

Chairman WALSH. Yes; and if it is satisfactory to you, Mr. Welborn, I will take that matter up with you at 4.30 sharp, upon the adjournment of the commission.

Mr. WELBORN. Yes; that will be very satisfactory.

Chairman WALSH. Now, is there any further suggestion that you desire to make, or any testimony which you would like to volunteer, about which you have not been asked, that you consider germane to this subject?

Mr. WELBORN. I think of nothing specifically that probably will not be covered in possibly a better way by other witnesses to follow, and I want to avoid repetition. In a general way, I want to say that the charges made by the witness McLennan against the Colorado Fuel & Iron Co. that you gentlemen might consider, or any fair-minded man might consider, if true, properly subjected us to severe criticism, at least, are all untrue. I will not attempt to detail, but all charges that he made against the Colorado Fuel & Iron Co. indicating unfair practices toward its men or others are untrue.

Chairman WALSH. Now, there is just one other matter that I recall now; I submitted to the entire commission the question of calling for the name of a man that wrote this publicity, and the commission unanimously decided that they should have it.

Mr. WELBORN. That they should have the name?

Chairman WALSH. Yes; please give us his name and address.

Mr. WELBORN. I would like to say this, sir, that that gentleman was employed in this work with the distinct understanding that his name should be not made public, or not made use of in any way. My word is out on that. I am responsible for the pamphlet which he prepared as much as I would be for a letter which a stenographer wrote at my dictation.

Chairman WALSH. Then as I understand you decline to give the name of the man that wrote these?

Mr. WELBORN. I submit to you the understanding I have with the gentleman and my willingness to assume rather than to say I am responsible for that pamphlet.

Chairman WALSH. Well, without undertaking to give you the reasons for the commission's actions, which seem compelling to me, of course we will have to insist that that is no proper reason, so far as the law is concerned, for declining to give his name.

Mr. WELBORN. It is probably out of order to argue—to assume to argue the question with you—I mean out of order for me to do that, but it seems to me that the gentleman in question has some rights which ought to be respected, and since he is not personally responsible for anything except the detailed preparation of the matter and submission of it for publication I beg of you to consider further before demanding his name.

Chairman WALSH. As I said, the matter has been submitted to the entire commission, and if you shall decline to give the name here, then it is for the commission to take such action as they deem necessary.

Mr. WELBORN. Rather than go on record as declining absolutely to give the name, I should like to reserve the decision until I can consult with our counsel on that matter. I consider it a very serious one.

Chairman WALSH. Very good. We will give you opportunity to consult with your counsel. Commissioner Weinstock would like to ask you some questions.

Commissioner WEINSTOCK. You probably understand, Mr. Welborn, this commission is theoretically composed of nine members—three representing the employers, three representing the workers, and three representing the general public. I think I voice the sentiment of my associates when I say that this commission, on the whole, feels that what is of far greater import than the interest of the workers, on the one hand, or the interest of the employers, on the other hand, is the interests of the people generally—the common good. And that I believe to reach the facts, whatever the facts may be, regardless of whether the facts are for or against one side or the other, in order that we may be able to intelligently make a recommendation which will be helpful. I make this preliminary statement so that I may not be misunderstood in asking my question. The questions I propose to ask are to simply get at the facts, whatever they may be.

Mr. WELBORN. I will answer that preliminary statement, if you please, in this way: That I recognize the work your commission is engaged in—a very commendable one, of a constructive nature—and it has been my purpose since I

was called to the stand to furnish you the facts in my possession that would aid you in any way, whether in response to questions or not, in your work, and I am still here for that purpose.

Commissioner WEINSTOCK. I hope we appreciate that, Mr. Welborn.

Mr. WELBORN. I want you to.

Commissioner WEINSTOCK. I found on my desk a pamphlet entitled "Twenty-second Annual Report of the Colorado Fuel & Iron Co. for the Year Ending June 30, 1914." This seemingly is a report to the stockholders. I take it this report also was generally issued to those who asked for it?

Mr. WELBORN. We never have—we always keep ourselves in position where newspaper or others interested might have copies. Usually when the report goes out to the stockholders some one hands it to the newspapers, and it is published.

Commissioner WEINSTOCK. It is intended for publication?

Mr. WELBORN. No; it is not intended for publication, but there is no means of preventing publicity. It is intended for the use of the stockholders.

Commissioner WEINSTOCK. Now, in this report there is a story of the strike?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. From the standpoint of the company?

Mr. WELBORN. Well, I—the company wrote it—I as president of the company wrote it. I am not willing to say that it is necessarily our standpoint. The story of the strike as told there is correct, in my judgment.

Commissioner WEINSTOCK. Now, a copy of this having been placed in my hand and probably in the hands of my fellow commissioners—

Mr. WELBORN (interrupting). I took no steps to see that you had them, except to say to Mr. Weltzel when he was here—to hand him a copy and say he might show it to the commissioners, and they might have other copies, if desired. How it came to your desk I do not know.

Commissioner WEINSTOCK. Now, in this report there are statements made which, if correct, would brand the strikers as law breakers and outlaws and most undesirable citizens. Now, of course, it is self-evident to me, Mr. Welborn, that this commission can not accept in any form or in any published statement the uncorroborated statements of either side. They must be substantiated in order that we may be sure that they are right. Now, I take it that these statements were not published in this report unless the company was in position to substantiate the statements, and, therefore, I would ask if you can see your way clear to corroborate the charges that are made here?

Mr. WELBORN. Please read the particular one.

Commissioner WEINSTOCK. The first one reads:

"Hundreds of these men"—

Referring to your employees before the strike—

"came to our superintendents expressing regret at being forced to leave, and declaring their intention of returning when they could safely do so. Many of them showed written evidence of the threats of death and violence to themselves and families that prompted and justified their actions."

Again it says:

"Before the convention of September 15 it became known that a large quantity of arms and ammunition had been brought and shipped to the southern coal fields by strike leaders. This was but the beginning of an almost continuous movement of firearms into the district, and within a short time after the strike took effect from 1,500 to 2,000 of the strike element were fully armed in that part of Colorado.

"Anarchy in its worst form, in which dynamite was frequently used, was in control of this coal area with a population of 45,000 people."

Again:

"Men known to have been in the employ of coal companies were ambushed and killed without being given any chance to defend themselves."

Again, later, it says:

"At Ludlow it is well known that hundreds of men were included in the strikers' ranks who had never worked in Colorado coal mines. These were very largely veterans of the Balkan War of various nationalities. The result of their attacks, made on mining properties and workmen from distant hills, bear evidence of their skill as trained marksmen.

"With the arrival of the Federal troops May 1 order was again restored. In response to the proclamation of the President the coal operators turned over to Federal Army officers all guns and ammunition that it had been necessary for them to provide for their protection after the withdrawal of the State militia.

The strike element surrendered a considerable number, but retained in hidden-away places many hundreds—and some competent authorities say thousands—of their most modern rifles, just as they did in the similar situation with the National Guard six months before."

Finally, it says:

"While preparing this report word comes to me from sources, the reliability of which can not be questioned, that one of the officers of the United Mine Workers of America and a leader among the striking forces, recently said at Trinidad, in effect, that as soon as the Federal troops are withdrawn the strikers will attack the State militia, if recalled, and the property of the mining companies; that in preparation for such an event union men in the neighboring States to the number of 3,000 have been reorganized, drilled, and armed, and are in readiness to move when called upon."

It must be very plain to any reader that, if these are facts, that the strikers are a very serious menace to the hopes and welfare of this Commonwealth, if not the United States, and it is very important, to my mind, for the American people to know absolutely whether these are facts.

Mr. WELBORN. I feel the same way.

Commissioner WEINSTOCK. Therefore, I am sure this commission would be very much interested if it is possible for your company to substantiate these charges.

Mr. WELBORN. We probably could not substantiate those charges with documents. We have all the time had men in the district in which the strike has been so vicious who were in touch with the conditions; some of them probably knew that arms were hidden. Collectively our superintendents knew pretty well that the so-called strikers at Ludlow were not strikers entirely, but composed largely, as I have stated here, of an element that never had worked in our mines.

I should much prefer that you take those paragraphs up section by section. I can tell you in some cases how I came by the information and convince you it is true.

Commissioner WEINSTOCK. The first is:

"Hundreds of these men"—

Referring, I take it, to employees of the company?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK (continuing):

"came to our superintendents expressing regret at being forced to leave and declaring their intention of returning when they could safely do so. Many of them showed written evidence of the threats of deaths and violence to themselves and families that prompted and justified their actions. Sixty-two per cent of all the men remained at work, and the number working was never smaller than this."

Mr. WELBORN. I should say that nearly every superintendent was informed by a considerable number of employed strictly in accordance with that statement—that he had been threatened—that their employees had been threatened either by word of mouth or anonymous letters—most always anonymous communications—and collectively the men who so reported to the superintendents represented several hundred.

I stated on Saturday that at the Primera mine something over 100 men left our service immediately before and immediately after September 23 who had previously, either directly or through some one representing them, stated to the superintendent that they were going to remain at work regardless of the strike; that they were satisfied with conditions and would remain at work. Mr. Weitzel recited one case to me on an occasion which concerned an Austrian, I think, who had charge of the powder house. He came to the superintendent very early one morning before the mine opened and was crying and begged the superintendent then, at that very moment, to take the keys of the powder house. He said his life was in danger and that he must get out. The superintendent tried to reassure him, but without success, and the old gentleman left.

The Rouse is another mine. I had to go over that and recall a great many that have specifically made report of the condition I recited to me through Mr. Weitzel. There are very few letters in evidence; very few letters were ever written. Immediately after September 23 there was no time at the coal mines or at my office for the writing of letters. We were usually engaged in telephonic communication or sitting around waiting for some expected unpleasant news.

Commissioner WEINSTOCK. Of these few words, Mr. Welborn, I want to remind you: "Many of them showed written evidence of threats of death and violence to themselves and families."

Mr. WELBORN. Yes. I said a moment ago that anonymous communications were shown, but I think in no case of a man who was threatened did the man who received that threatening communication leave it with the superintendent. The very communication may have said, If you disclose this information or do not destroy the letter, you will be killed whether you leave or not; such was the purport of a number of threats.

Commissioner WEINSTOCK. I see. There would be no way then that you could substantiate——

Mr. WELBORN. I do not say that no such communication could be secured. I will ask Mr. Weitzel when I leave the stand, and we may find a few; but they were left only by the most courageous amongst the workmen.

Commissioner WEINSTOCK. The next statement is that:

"Before the convention of September 15 it became known that a large quantity of arms and ammunition had been brought and shipped to the southern coal fields by strike leaders. This was but the beginning of an almost continuous movement of firearms into the district, and within a short time after the strike took effect from 1,500 to 2,000 of the strike element were fully armed in that part of Colorado."

Mr. WELBORN. The first purchase of arms by the strike leaders of which we had knowledge took place September 12. Evidence of that purchase is contained in the congressional report. The merchant at Pueblo who made the sale to a local hardware company at Walsenburg, the arms for which were selected by Adolph Germer, testified before the congressional committee his name is Holmes.

Commissioner WEINSTOCK. That purchase was made on September 12, and the strike took place when?

Mr. WELBORN. The strike convention was called September 15, and the strike actually took place September 23.

Commissioner WEINSTOCK. So that the purchase of those arms took place about 10 days——

Mr. WELBORN. Eleven days, exactly, before the strike went into effect.

Commissioner WEINSTOCK. There is a record——

Mr. WELBORN. There is a record of the purchase. Now, the movement within a few days after that, as I state there, became general; the knowledge was common, almost as common as the knowledge that there was a strike or that the strike had been called.

Commissioner WEINSTOCK. I see.

Mr. WELBORN. And most of the estimates made by the people on the ground, the collective estimates of superintendents and others in the southern part of Colorado, indicated from 2,000 to 3,000 men fully armed. I attempted to be somewhat more conservative. I am sure that statement is well within the facts.

Commissioner WEINSTOCK. Let me make sure that I have got my dates right. These arms were supposed to have been purchased on September——

Mr. WELBORN. September 12.

Commissioner WEINSTOCK. And the convention took place on September 15?

Mr. WELBORN. September 15.

Commissioner WEINSTOCK. And the strike on September 23?

Mr. WELBORN. Twenty-third.

Commissioner WEINSTOCK. May I ask, Mr. Welborn, at what date did your company secure the services of these armed guards?

Mr. WELBORN. I do not know whether we put any at work prior to September 23 or not. It is very probable that a very few were put to work, for the reason that for a long while prior to the strike we had employed only 7 camp marshals at our 22 working properties. The workmen, as soon as they learned there was to be a strike, insisted that protection should be furnished. In many cases they said, "We won't work unless we know there is enough protection here for us. We know what is going to take place." Some of them had been through strikes; many of them had talked with the strike leaders or the militant element among the workmen intending to strike. And we provided the first guards—I do not know, but I might say practically all of them, as much at the request of the workmen as in accordance with our own views. In fact we promised—I made known, or Mr. Weitzel did, to the men, by posted circular, that those who wished to remain at work would be protected. The only means

of active protection was to employ men, watchmen or others, who could resist an attacking force.

Commissioner WEINSTOCK. Then, as I understand it, in normal times, practically all the guards employed were about seven?

Mr. WELBORN. Seven. They should not be classed as guards. They are camp marshals, and in some instances they were constables forming the——

Commissioner WEINSTOCK. Doing police duty?

Mr. WELBORN. Doing police duty, primarily, in the camps. In addition, they took care of the sanitary conditions.

Commissioner WEINSTOCK. This normal staff of seven was reinforced beginning at about what date?

Mr. WELBORN. Within two or three days before the strike took effect, I should say September 20. I do not say that some one or two or three were not employed prior to that date in order to have a man of that capacity at each mine.

Commissioner WEINSTOCK. According, then, to the evidence that you say was presented to the congressional committee, you did not do that until some eight or nine days after the strikers had been supplied with arms and ammunition?

Mr. WELBORN. After they had commenced supplying them.

Commissioner WEINSTOCK. They had the——

Mr. WELBORN. They were in every sense of the word.

Commissioner WEINSTOCK. Your next statement is that "Anarchy in its worst form, in which dynamite was frequently used, was in control of this coal area with a population of 45,000 people"?

Mr. WELBORN. Yes. Certain houses of men who remained at work—they were in most instances—in each case where houses were belonging to some one other than the company, and was outside of the property line or where it could be easily, we will say, dynamited. In the town of Walsenburg, where prior to the strike I think most of the men who worked for us at mines nearby lived, houses were dynamited. In the attacks made on our property, particularly the Berwind and Tabasco mines, that are located near Ludlow, dynamite bombs were rolled down near the coal-washery, toward the power house, and to other places where the damage desired could be done if the bomb exploded. Those mines are situated in a deep canyon. The men lined themselves upon the hills on both sides and were within very easy rifle range. It was at that point where two children were shot one morning, the morning of October 28, if I am not mistaken, while in bed. And at that point a number of our men were killed. One of the miners, who carried a rifle to help protect himself and other employees, was killed. A number of those were doing exclusive guard duty, and almost without exception they were on our property. I might be justified in saying that there was no exception to their being on our property.

The first act of that kind which took place occurred on September 24, the day after the strike took effect, and occurred at Segunda. There three or four of the strikers were found engaged in tearing down a footbridge across a little stream that passed through the camp. The marshal went to stop their work. He was riding his horse and directed these men ahead of him toward the office of the justice of the peace, where he proposed to swear out a warrant against them. One of their number was concealed in an idle coke oven, within easy range, and when the marshal came in front of the coke oven he was shot from his horse and died immediately; had no opportunity to offer resistance.

I do not know whether I need give you anything more as indicating anarchy reigning and that dynamite was used or not.

Commissioner WEINSTOCK. Were any of these strikers who had committed these criminal acts arrested and tried?

Mr. WELBORN. I think—in most all of them—at that time most all of them got away. There are a great many, however, now under arrest for acts committed at that time. Some are out on bond; have been arrested, and some are out on bond and others are in jail.

It may not be out of order to tell the case of a man ambushed up at La Veta. It is not one of our properties, but it is in the neighborhood a little ways from Walsenburg. It occurred on November 8, soon after the militia went into the field, but before they had actually taken possession of that small district. One of the employees of the mining company who has properties situated a few miles from La Veta had gone into town for some personal reason, and while there was surrounded by an armed body of strikers. He finally got into the telephone office. In the light of later events it looked as though they purposely allowed him to go in there. He telephoned to the mine for protection,

for resistance. They sent down an automobile with four men. The driver of the automobile was a young mechanic attending college at Colorado Springs, the college of which Dr. Slocum is president. He was working his way through college. The other three were men, I am told, of a high character. I know the father of one of them, who is a fine man, and who lives in Denver, Capt. Bryan. They went to La Veta, got the man who had been stopped, that made five of the party, and started on their return to the mine. Near a bank which helped to make a reservoir and near which the road passed, they were fired upon from ambush, ambushed in every sense of the word, railroad ties or timbers had but recently been placed there to form almost a complete protection for these men. The driver of the car was almost immediately killed, and all of the other men were shot; two of them died on the ground; the third was brought to our hospital for treatment. His arm was shot off, or practically so, by a mushroom bullet. Had the shot been fired with the ordinary bullet, it is probable he would not have lost his life. But at any rate, the strike element, the element in sympathy with the men who ambushed these workmen, immediately prevented doctors going to the rescue of the men who had been wounded. I am told they had been kept away a couple of hours. Finally such counsel prevailed as to permit the doctors to go, and in that connection I ought to say that according to the best evidence that we have been able to secure, and which is unquestionably reliable, the people in the town of La Veta, when these men left, or a considerable number of them, went to the top of one of the houses near, apparently that they might easier attack.

Another case of dynamiting just called to my attention is that of a man at Piedmont, near our Sopris mine. It was the man working, living in the house at the time it was dynamited, and in a miraculous way he escaped death. The house was almost completely destroyed.

Other cases of dynamiting were railroad bridges, burning of a bridge near our Primera mine, dynamiting our water line between Primera and the Segunda coke oven.

Commissioner WEINSTOCK. Have any of these men been yet brought to trial?

Mr. WELBORN. The men who committed the murders at La Veta which I have just referred to were, or some of them, some seven or eight, were almost immediately arrested and, according to the published statements at the time; they are now under trial, I believe.

Commissioner WEINSTOCK. No trial as yet?

Mr. WELBORN. They are under trial now.

Commissioner WEINSTOCK. Their trials are going on at this time?

Mr. WELBORN. Yes; I think so. I think it would be improper for me to comment further on that.

Commissioner WEINSTOCK. The next statement is that:

"At Ludlow it was well known that hundreds of men were included in the strikers' ranks who had never worked in the Colorado coal mines. These were very largely veterans of the Balkan War of various nationalities. The result of their attacks made on mining properties and workmen from distant hills bear evidence of their skill as trained marksmen."

Mr. WELBORN. The deaths which I referred to a moment ago that occurred in our Berwind and Tabasco Canyons and the killing of the children there are some of the evidences of their marksmanship. Many other of similar character occurred in other camps belonging to companies with which I am not connected. I know that in the immediately adjoining camp in which Delagua and Hastings mines are located—it is a canyon, by the way—and marshals and others were killed during October and the last days of September.

Commissioner WEINSTOCK. What evidence is there that these men were not ex-employees?

Mr. WELBORN. It was not difficult to tell after citizens of Trinidad, superintendents of the coal mines, and others acquainted with the population in that country had an opportunity to pass Ludlow or see the occupants of the village, that there were a large number of foreigners of a class that were not generally employed. There were at one time recorded 200 Greeks in Ludlow. It was the collective information of the superintendents to which I referred a few moments ago to the effect that most of these men had never worked in the mine.

You must know that with 10 or 12 or 15 mine superintendents in that vicinity they know pretty well the workmen employed in their mines, and they could very easily determine, after they had had a chance to see the men a few times,

whether or not the Ludlow colony, so called, was composed of men formerly employed by them.

Commissioner WEINSTOCK. Then the evidence on that point is largely a matter of information on the part of those who made these observations you speak of?

Mr. WELBORN. No; I wouldn't admit that. I think the men were quite competent to pass accurate judgment on that, and I am also very sure that they were correct.

Commissioner WEINSTOCK (reading):

"With the arrival of the Federal troops, May 1, order was again restored. In response to the proclamation of the President the coal operators turned over to Federal Army officers all guns and ammunition that it had been necessary for them to provide for their protection after the withdrawal of the State militia. The strike element surrendered a considerable number, but retained in hidden-away places many hundred—and some competent authorities say thousands—of their most modern rifles, just as they did in the similar situation with the National Guard six months before."

Now, on what is this statement based; what knowledge did you have that such were the facts?

Mr. WELBORN. I suppose the most reliable knowledge we had on that point came, from time to time, from Army officers—friends of mine in the Army who were not engaged in the work down there—telling me what their brother officers had told them. It is an open secret, Mr. Weinstock, in southern Colorado that the strikers did not turn over their arms. The statement later quoted in that with respect to the 3,000 men being in preparation to make an attack confirms that from the other side.

Let me say, as I understand it, the Army officers had no authority direct, either, to search for arms.

The proclamation which was issued by the President, as I stated there, was immediately complied with by the coal operators; the strikers did not comply on the same date. They were given two or three extensions of time in which to bring in their guns. And within a few days did turn over, as I say, a considerable number, according to all reports.

Commissioner WEINSTOCK. Furthermore, this says:

"While preparing this report, word comes to me from sources, the reliability of which can not be questioned, that one of the officers of the United Mine Workers of America and a leader among the striking forces recently said at Trinidad, in effect, that as soon as the Federal troops are withdrawn the strikers will attack the State militia, if recalled, and the property of the mining companies; that in preparation for such an event union men in the neighboring States to the number of 3,000 have been organized, drilled and armed, and are in readiness to move when called upon."

Will you give to this commission the name of this leader among the striking forces who made that statement?

Mr. WELBORN. Diamond.

Commissioner WEINSTOCK. His initials?

Mr. WELBORN. I do not know whether William—William Diamond.

Commissioner WEINSTOCK. Is he a local man?

Mr. WELBORN. I think he has been in charge locally. I understand he is not in the district now.

Commissioner WEINSTOCK. You have reason to believe at this very moment men are ready to attack the mines and their employees should the militia be recalled?

Mr. WELBORN. Yes; I am very sure. I know they are ready to attack. I do not admit, however, that they would move except under the direction or suggestion, direct or indirect, of the leaders. They are the men responsible for the actions of the strikers.

Commissioner WEINSTOCK. I gathered from your testimony given the other day, Mr. Welborn, that your statement is that you are now producing all the coal for which there is a market?

Mr. WELBORN. Yes; that is correct.

Commissioner WEINSTOCK. If the strike was declared off this moment you would not see your way clear to put on any additional men?

Mr. WELBORN. We could not put on any additional men except a few at a time where vacancies might occur in the mines.

Commissioner WEINSTOCK. Well, then, if you are in a position to operate fully and completely, the strike is practically lost?

Mr. WELBORN. Absolutely lost. It has been for four months.

Commissioner WEINSTOCK. Now, digressing from that line of questioning—

Mr. WELBORN. I should like to say there the thought has just come to me that the calling off of the strike and the removal of the Federal troops without disarming the strikers would place us in a worse position than we have been in at any time since the strike was called. We have been disarmed twice. First, by the State militia, who kept our arms, and the second time by the Federal troops, both voluntary; the disarmament took place voluntarily, so far as we were concerned. But we are without any means of protection to-day. We would be at the mercy, still at the mercy of this army. It is a small one compared to what it was 10 months ago, but we would be at the mercy of that small body of men, with arms easily available, unless they were disarmed or ours returned to us.

Commissioner WEINSTOCK. Now, before I pass from that question, there is one other that just occurs to me. As you know, of course, there has been a great deal of conflicting testimony as to which side assumed the initiative in these acts of violence?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. Will you tell the commission your point of view?

Mr. WELBORN. The facts are, Mr. Commissioner, that the first acts of violence, if not most of them—practically all of them, I think, in fact—took place on company property. Strikers had previously left and established themselves at Ludlow and in other tent colonies. Violence as in a case of that which existed at Berwind could not possibly have been initiated by the coal company men on our ground, well within our property lines; children in bed were shot. We could not have initiated an attack on men that would have brought that about. They had no business on our property. They came there for the purpose of driving the workmen out, and killing such as were unwilling to go. In that instance, or during that period of attack which covered three days immediately preceding the calling out of the militia, I think over a hundred families—that is, the women and children of over a hundred families—had been sent out of the camps. Part of them went in one night—most of them, I think, one night—by wagon over the hills, that were covered with snow.

Commissioner WEINSTOCK. Will you tell this commission, Mr. Welborn, what your opinion is about collective bargaining?

Mr. WELBORN. Collective bargaining can be objectionable, in my opinion or judgment. It is objectionable primarily because of the methods employed in the collective bargaining. My study or thought of that question has been confined mainly to the industry with which I am connected and in which I have spent all my business life. I know our workmen receive better wages, better attention all around, than the workmen in the mines represented by the collective bargaining established and pursued by the United Mine Workers of America. To that form of collective bargaining I am absolutely opposed.

Commissioner WEINSTOCK. Now, is this condition, this relative wage condition that you speak of, Mr. Welborn—the fact that your workers are earning a better wage than the workers employed in the so-called union mines—is that a recent condition or is it the normal condition?

Mr. WELBORN. It is the normal condition. It has been the policy of the company ever since I have been connected with it, and Mr. Osgood was the president of the company, or its head, for a number of years after I was employed in the company; it was the policy of the company at that time. It has been our very active policy ever since I became president, and even before.

Commissioner WEINSTOCK. Now, speaking not as the president of your company, Mr. Welborn, but as a citizen of the Republic having its general welfare at heart—for we know that the public can not prosper if the great body of the people do not prosper—

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. We know that the general well-being of the main body is the well-being of all?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. We are aware that the highly efficient man, the man with the brains and ability, needs no protection. He gets to the front some time, sooner or later. He needs no advantage. But taking the average man, or the man perhaps below the average, what can you suggest, under our system of industrialism, with few employers and very many workers, what method can you suggest better than that of collective bargaining to enable the average man or the man below the average to better his condition?

Mr. WELBORN. Well, I have not attempted to plan a method that would take the place of collective bargaining except in our own industry. We are doing it very successfully; I mean successfully from the standpoint of the worker as well as of the employer. The efficient man, as you very correctly say, needs no protection. He can get ahead and he does get ahead at our properties. The inefficient, the man well below the average, is small in number, we find in our properties. The average man is a man who earns \$4 a day digging coal, and more, and there are not so many who earn materially less than that.

Commissioner WEINSTOCK. Now, sooner or later, Mr. Welborn, this commission will have to make a report and will have to make certain recommendations; and I, for one, and I think in that respect I am no different from my associates, am very anxious to be educated on the point as to whether collective bargaining is or is not a good thing for all concerned. We have had a great deal of evidence come before this commission from employers themselves along the lines favorable to collective bargaining—

Mr. WELBORN. I am sure of that.

Commissioner WEINSTOCK (continuing). Now, if there are reasons why collective bargaining is a bad thing, I want to know it, and I am asking your opinion, not as president of your coal company, but as an employer with broad experience and opportunities for seeing things that many of us do not have.

Mr. WELBORN. Well, I don't claim breadth of experience; and I stated in answer to your question when it was first propounded that my thought and observation—

Commissioner WEINSTOCK. Please forget your own enterprise.

Mr. WELBORN. I don't know that I can. My opinion is based on my own experience, practically. I do not believe collective bargaining by the United Mine Workers of America—as conducted by the united mine workers—is beneficial as a whole. It is claimed by that organization that it has 400,000 members. That represents about one-half of the coal-mining population, or coal-mining employees, of the United States. I do not know of a district in which the business is conducted under contract with the United Mine Workers of America where the men earn more or as much as they do in Colorado at our properties. Now, I must admit that the treatment of the men even in the case of collective bargaining depends to a considerable extent upon the character of the employer, and I do not mean to say that with any idea of implying that we treat our men better than other employers do; but the men are more or less at the mercy of the employers, more particularly where there is no collective bargaining.

Commissioner WEINSTOCK. Now, we are dealing with opinions pure and simple at this stage of the game?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And we value your opinion on these points because of your experience and knowledge. As you know, political economists take the grounds that in industrialism it is the worst employer who sets the pace; that the unfair employer who sets an unfair wage compels the fair employer either to follow his example or go out of the business. Now, is that so from your experience?

Mr. WELBORN. Well, no; I should not admit that is entirely true.

Commissioner WEINSTOCK. You think not?

Mr. WELBORN. No.

Commissioner WEINSTOCK. Well, now, if your competitor pays half the wage you are paying and could get men to work at half the wage because there was an abundance of labor, wouldn't that enable your competitor to undersell you?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And wouldn't you have to meet his price, which is unprofitable, or go out of business?

Mr. WELBORN. My experience is that very often our competitor pays lower wages than we and very often undersells us in the market. We do not meet his prices or wages or conditions that he establishes for his men. We do not always meet his competitive selling prices. Much depends on the strength of the other man.

Commissioner WEINSTOCK. Then, how can you exist alongside of him, if he undersells you, and if to meet his price would mean a loss to you?

Mr. WELBORN. Well, there are other conditions always in connection with the article sold than the mere price. The man who undersells you when he needs business will oversell you when there is a heavy demand—when the demand is a little greater than the supply; and the buyer is going to be influenced more or

less by his treatment—the treatment he receives from the seller 12 months in the year.

Commissioner WEINSTOCK. You mean the question of service enters?

Mr. WELBORN. Yes; service and quality of goods.

Commissioner WEINSTOCK. And that your only hope, then, alongside of the price cutter, is better service and better goods?

Mr. WELBORN. Uniform price as nearly as possible.

Commissioner WEINSTOCK. Is it your claim that this has enabled you to successfully compete with a man who pays a lower wage than you pay?

Mr. WELBORN. I do not mean to imply that that question of lower wage by our competitors is a habitual practice, but it has frequently been done; but we have by various means most of the time held our own, and never by meeting conditions that he established for his workmen.

Commissioner WEINSTOCK. Just one more point in that connection, Mr. Welborn. The figures you presented the other day showed that the stockholders of the company have become lean and hungry in the way of dividends. Now, is that the condition also with your competing concerns? Is that a common condition or is that condition exceptional with your company?

Mr. WELBORN. I don't know as to that. Most of our competing companies are close corporations, and as to their financial conditions I know nothing. Their stock is not on the market, so you can not know whether they pay dividends or not.

Commissioner WEINSTOCK. I see. Then you have no means of knowing whether your experience is the common experience?

Mr. WELBORN. No; I have not. They all claimed they were hard up, and did before the strike.

Commissioner WEINSTOCK. Just one more line of questioning and I am through, Mr. Welborn.

Mr. WELBORN. Very well.

Commissioner WEINSTOCK. Will you give this commission your opinion of workmen's compensation laws?

Mr. WELBORN. That is a pretty broad question, too; but we have necessarily thought a good deal about it. I think a workmen's compensation law on fair lines—in fact, I know it is just and right. It seems to me, however, that the workmen ought to contribute to the fund which is going to compensate their families for their death and injury. I don't mean that they should bear all the burden, but they should contribute.

Commissioner WEINSTOCK. May I point out, then, Mr. Welborn, for your information and for the information of others who are interested in a workmen's compensation law in Colorado that in California, where we have a compensation law—and I happen to be a member of the commission, so I can speak with authority—

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And there the worker does contribute. He contributes, in the first place, a loss of two weeks' wages. His compensation does not begin until the fifteenth day after the injury. He contributes a loss of one-third of his wage during the period that he is incapacitated and receives 65 per cent of his wage while he is disabled; and on top of all that he contributes the pain and the suffering. And it would seem to me that that is a reasonable contribution to the cause.

Mr. WELBORN. I can not help thinking of the large army of men engaged in clerical work who die as the result of automobile accidents or other unforeseen circumstances. They have to provide, or have in the past at least, their own insurance. They pay out monthly or annually a premium which serves to provide a fund for them in case of accident or death, or both. Would it not be right that, we will say, the man classed as a wage earner should similarly contribute to his own later protection? I do not mean in any large degree.

Commissioner WEINSTOCK. May I ask this question, Mr. Welborn: To what do you charge the wear and tear and the accidental injuries of your machinery?

Mr. WELBORN. That naturally is charged to earnings, if you have any, or profit and loss. In our case it has been charged to loss.

Commissioner WEINSTOCK. It is part of the overhead expense of the trade?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. And is added onto the cost of operation?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. As a legitimate part of the cost of those operations?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. Why should you draw the line at the human machine?

Mr. WELBORN. If you had a law universal over the United States, I don't know that you should draw a line. Then it surely would fall upon the public—go to your price. But if we have a severe workmen's compensation act in Colorado and our competitors in Kansas and in New Mexico and other near-by States have no workmen's compensation law, they will be in a position to take our business away from us.

Commissioner WEINSTOCK. That is true. Your point is well made, Mr. Welborn; but this should be borne in mind, that that point was argued very strenuously when the first State in the Union adopted a workmen's compensation act. Since then I think 25 States have joined the sisterhood, and it is only a matter of time when every industrial State joins. Now, if every fellow says, "Wait until the other fellow does it," it never would be done.

Mr. WELBORN. I don't mean that. I think we should move in that direction as fast as we can. We are not going to oppose a workmen's compensation law if a fair one is introduced in our next legislature. And, in that connection, I would like to say that in our own business we have felt that we were compensating, not liberally, perhaps, but as generously as the conditions will permit, in cases of accident and death. We have never stood on our strict legal rights in that connection—in connection with that question.

Commissioner WEINSTOCK. May I ask whether your company carries insurance?

Mr. WELBORN. No; we do not. We carry our own insurance.

Commissioner WEINSTOCK. Is that the custom among all the coal companies?

Mr. WELBORN. I think it is not; but it has always been our practice. We have thought in such matters that we ought to treat with the men, our own employees, rather than that, perhaps, a more cold-blooded corporation—insurance company—should treat with them.

Commissioner WEINSTOCK. Now, do you set aside a fund for that purpose? Do you have a regular fund?

Mr. WELBORN. No; we do not. We charge it up as it comes.

Commissioner WEINSTOCK. Have you any well-defined policy as to how to deal with injured workers?

Mr. WELBORN. No; not one to which we stick rigidly.

Commissioner WEINSTOCK. Then, you exercise your judgment in each case?

Mr. WELBORN. Yes; we take up each particular case.

Commissioner WEINSTOCK. And legislate on it?

Mr. WELBORN. Practically, yes; and I think I am justified in saying that we compensate more individuals where there is not a legal responsibility on our part than we do where there is.

Commissioner WEINSTOCK. You have the employers' liability act in Colorado, have you?

Mr. WELBORN. Yes; there is some statute law; I don't know exactly its provisions.

Commissioner WEINSTOCK. Then, if I understand you, if one of your workmen gets injured, he has a right to bring suit against you under the common law?

Mr. WELBORN. Yes, sir.

Commissioner WEINSTOCK. Are there many instances in which your company has been sued under the common law?

Mr. WELBORN. I don't know. We might have been sued two or three times; but there is no case where judgment—to my memory no case in the last 10 or 15 years—has gone against us. We have settled them all.

Commissioner WEINSTOCK. Has the employer in Colorado the usual three defenses in damage cases of that kind—that is, the defense that the worker knew the risk he was assuming when he entered the employ of the employer, and the other defense that it was due to negligence on the part of his fellow worker, and so on? Has the employer those defenses in this State?

Mr. WELBORN. I am inclined to think he has; I am not sure on those points.

Commissioner WEINSTOCK. That is all.

Mr. WELBORN. I should like to say that I am not here to speak for Mr. Osgood; but I am sure that he gave the wrong impression as to his practice with respect to injured employees the other day. The understanding I obtained from his answer was that he never compensated except in case of legal liability on the part of the company. When he was with the Colorado

Fuel & Iron Co. the practice was very much the same as it is now—which I have just recited; and I am reasonably sure that all the other companies, including the Victor-American Fuel Co., practice that policy more or less.

Commissioner LENNON. I want to ask one question. Mr. Welborn, will you furnish us with a statement of the last 25 cases of either injury or death occurring in your mines, the character of the injury, and the amount of compensation paid?

Mr. WELBORN. Yes; I will be glad to.

(See the Welborn Exhibit No. 2.)

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. Mr. Welborn, does the liability law of Colorado include all of the three defenses of the employer: Fellow servant, assumption of risk, and contributory negligence?

Mr. WELBORN. I don't know as to that. We have not been governed in our treatment of injured employees, as I said a while ago, by our legal responsibility. We have been controlled more by the facts and circumstances of each case.

Commissioner GARRETSON. Has there been repeated attempts to enact legislation to abolish those defenses as they have been abolished largely in other communities?

Mr. WELBORN. I don't know.

Commissioner GARRETSON. How is it, if conditions and pay are so much better, as you state, in your mine than in the mines that are ununionized that when union men drift into employment here from those union mines who are perfectly familiar with the conditions there and become so with the conditions here, they insist on unionizing here, if it injured them?

Mr. WELBORN. That is not a fact.

Commissioner GARRETSON. Isn't it?

Mr. WELBORN. No, sir.

Commissioner GARRETSON. What do they do?

Mr. WELBORN. I don't know what they do. Many of them are more than glad to tear up their union card, I am told, when they leave the other fields, and when they learn of the very favorable conditions under which they can work here.

Commissioner GARRETSON. Your company don't have any place to deposit those cards they want to get rid of?

Mr. WELBORN. No. We have no use for those cards.

Commissioner GARRETSON. Then the men who, in the various Colorado strikes, have endeavored to unionize those mines were, as a rule, not union men from other localities?

Mr. WELBORN. I do not quite catch the question.

Commissioner GARRETSON. I say, that in the various efforts that have taken place to unionize the mines they have not been participated in by union men who came from other mines?

Mr. WELBORN. Those activities during the last two years have initiated with men on the outside, not among men on the inside; I mean the demand to reorganize. Take the present strike, it attempts to reorganize Colorado; that initiated and is conducted by men from outside of the State. There were some local officers who lived in Colorado.

Commissioner GARRETSON. The local rank and file, who have been union men, took no part in it?

Mr. WELBORN. No; beyond a small part. I would like to state something about it.

Commissioner GARRETSON. Go to it.

Mr. WELBORN. We have three mines in the Canyon district where a lodge of the United Mine Workers has been in existence for years. I do not know what percentage of the men belong to it, but I do know, almost as far back as I can remember anything about the coal business, that has been recognized as a union camp. The expression of satisfaction with the conditions, in opposition to this strike, were the strongest from that district.

Commissioner GARRETSON. Was that an expression of satisfaction with their own conditions or the conditions at other places?

Mr. WELBORN. Their own conditions.

Commissioner GARRETSON. That is union, is it?

Mr. WELBORN. It is union in the sense that the men belong to the union; there is no recognition of the union.

Commissioner GARRETSON. That don't apply when under one contract?

Mr. WELBORN. No; they work under the same conditions our men do in southern Colorado.

Commissioner GARRETSON. If the 400,000 men, who are members of the mine workers' union, were not members of that union and aggressive in fixing rates of wages and conditions of service, what would probably be your conditions of service and rates?

Mr. WELBORN. The same as they are now.

Commissioner GARRETSON. On the question of the first purchase of arms that you covered with Mr. Weinstock, I gathered from your testimony that the purchases of arms were made by the union men before they were made by the companies.

Mr. WELBORN. You did; that is correct; before they were made by my company.

Commissioner GARRETSON. What became of the arms that your company possessed back in the movements of 1904, I think it was?

Mr. WELBORN. I think, in the main, if not entirely, they were loaned to some of our friends in southern Colorado, who still had use for them when the strike was called. None of them were taken back, as I remember.

Commissioner GARRETSON. Had any been recalled prior to this time of purchase?

Mr. WELBORN. No.

Commissioner GARRETSON. When did the general disarmament of miners take place by the militia?

Mr. WELBORN. There was no general disarmament of miners by the militia.

Commissioner GARRETSON. Was there an effort?

Mr. WELBORN. Yes, sir; a small effort.

Commissioner GARRETSON. Did the militia at the same time make an effort to disarm your men?

Mr. WELBORN. They took our guns and we discharged the men. We desired, in looking after certain people or certain camps, where they were not able to place a squad of militia, that a few men should be left. Let me say something else right here for fear that I forget it.

Commissioner GARRETSON. All right; do so.

Mr. WELBORN. Reference has been made to the treatment of the strikers by the militia, and I want to say that the most friendly relations existed between the strikers and the militia until the governor issued his order, the early part of December or the latter part of November, I have forgotten which, permitting the employment of men outside of the State. As soon as the men from the outside of the State commenced to arrive, and the militia prevented the interference on the part of the strikers with those men going to work, the feeling by the strikers toward the militia immediately changed.

Commissioner GARRETSON. Well, is it not a fact that statements have been made repeatedly that that feeling only grew up when the feeling originated on the part of the strikers that the militia was not a nonpartisan agency? Are not both statements equally credible?

Mr. WELBORN. I do not say that the militia were partisan. They were there to preserve order. If it was right for men coming from Pennsylvania to work in Colorado, and it was, it was perfectly right for the militia to protect them from the strikers, as well as our property and our men.

Commissioner GARRETSON. Then, if one man's code of ethics held it to be proper to bring the men from the outside, and another man's code of ethics did not, their opinion would differ as to a variety of actions?

Mr. WELBORN. It is not a question of code of ethics, but a question of what is legally right, and what is fair to the men who want to work.

Commissioner GARRETSON. We have had some differences of opinion expressed as to what was legally right. Your report to your directors reported a state of anarchy; witnesses on the stand on the other side have stated there was no law in certain counties except the will of the company. What is the difference between the two forms of expression? They both mean absence of law, do they not?

Mr. WELBORN. In one case the statement is an absolute falsity, and on the other it is based on the facts.

Commissioner GARRETSON. What is the difference between the credibility of the two men that make the statements in a court of law?

Mr. WELBORN. I leave that to you.

Commissioner GARRETSON. I want to know your standpoint.

Mr. WELBORN. I don't know that they are even on an equality.

Commissioner GARRETSON. Well——

Mr. WELBORN (interrupting). I am not attempting to establish a record for myself here, as far as that is concerned, it is a purely impersonal question.

Commissioner GARRETSON. Are two men not entitled to equal credence unless their testimony is utterly discredited?

Mr. WELBORN. Perhaps so; I do not know as to that. I should like to make another suggestion.

Commissioner GARRETSON. All right.

Mr. WELBORN. You want to get at the facts with regard to the anarchy, with regard to control by the coal companies, by the officers in southern Colorado and elsewhere and would suggest that you bring on the stand a number of men now at work who worked throughout the violence, and the extent of which they know. You could learn a great deal from the men who have worked all the time, and others who could not who have since returned.

Commissioner GARRETSON. And possibly testimony would be given by men not directly connected with either side, but who have put in years in this territory as citizens.

Mr. WELBORN. I am sure of that.

Commissioner GARRETSON. You referred a while ago, on one subject, to the fact that common knowledge was a factor in determining the truth or falsity of a statement, you referred to it in connection with the purchase of arms?

Mr. WELBORN. Yes.

Commissioner GARRETSON. Is this same knowledge, or this same matter of common knowledge, common report, of equal value in all questions to which it may be applied?

Mr. WELBORN. I don't know; that is a pretty broad question.

Commissioner GARRETSON. If common knowledge that arms were purchased is proof that they were, is common knowledge that elections were corrupt equally proof of that fact?

Mr. WELBORN. If there is such common knowledge; but there is not.

Commissioner GARRETSON. It has been testified here that it was common knowledge.

Mr. WELBORN. I am obliged to say that testimony is absolutely false. I disagree with you. I know as a matter of fact that the company has not exercised the control over the officials that has been charged here.

Commissioner GARRETSON. I think you mistook my statement; what I said was that it had been testified here by men who reasonably would be expected to know of political conditions fairly well, that such was a case.

Mr. WELBORN. That would not alter the facts as I know them.

Commissioner GARRETSON. I am not dealing with the facts, but with the testimony.

Mr. WELBORN. I am trying to deal with the facts.

Commissioner GARRETSON. Facts and testimony differ.

Mr. WELBORN. Yes; that has been proven here.

Commissioner GARRETSON. In regard to this law, as to judges of election, has it not been a common matter of newspaper comment for years—the application of this law to elections in this State?

Mr. WELBORN. I think not; if it had been I am quite sure it would have come to my attention. If that law does exist I am surprised it has not been called to my attention; I am sure that it has not.

Commissioner GARRETSON. You spoke of the fact in your testimony Saturday as to—not universal—but the common practice of perjury before the congressional investigating committee?

Mr. WELBORN. I said that a number of witnesses committed perjury, and in some cases the perjury was proven while the witness was on the stand.

Commissioner GARRETSON. Yes; I think that is the exact language. Does that apply to witnesses on one side alone?

Mr. WELBORN. I don't know of any witnesses testifying for the operators who so perjured themselves. I do know a number on the other side, and one, very early in the proceedings in this room, committed the perjury such as I have described, and the perjury was proven while he was on the stand. Dr. Foster himself said to me that he could not do anything, that he would just have to let them go.

Commissioner GARRETSON. Then all instances of it were confined to one side?

Mr. WELBORN. So far as I know.

Commissioner GARRETSON. You spoke of the unfairness of Messrs. Davies and Fairley?

Mr. WELBORN. Yes.

Commissioner GARRETSON. The Government mediators.

Mr. WELBORN. I don't know that I expressed myself in just that language.

Commissioner GARRETSON. I think the record will show that the statement was they were unfair in that they had agreed to show the operators their report before making it?

Mr. WELBORN. No; the record won't show that. The record may show the statement by me that they were unfair; whether it does or not, I am willing to say they were unfair, in my judgment.

Commissioner GARRETSON. That is the word that was used, and I gather in that connection that the unfairness referred to the fact that while they had agreed to show their report to the operators, instead, when it came out you found it was a report prepared by the leaders of the miners?

Mr. WELBORN. Yes; the unfairness rested in the fact that they presented the said truce proposal, the authorship of which was claimed by the United Mine Workers of America.

Commissioner GARRETSON. If they had carried out what I assume to be this proposition to submit it to the operators, and allowed them to inspect it without allowing the others, would that not have been just as unfair?

Mr. WELBORN. I never had any correspondence or any conferences with Mr. Fairley in connection with this matter. Mr. Davies was very outspoken in his expressions of satisfaction with the conditions in the Colorado coal mines and in his approval of the course we had taken against the United Mine Workers of America, the aggressive members of that organization, to force us under its domination. He further said voluntarily—it was not a promise, and no favor we asked of Davies—he said, "If I prepare a report, I don't know whether I will or not, but if I prepare one I am going to submit it to you gentlemen first for correction and general approval." I do not care particularly now that he did not do it.

Commissioner GARRETSON. My notation shows that the testimony was in regard to Mr. Davies alone, but as it concerned both I inserted both names in the question.

Mr. WELBORN. Mr. Davies made it clear to us that he alone would confer with the operators.

Commissioner GARRETSON. Would you consider a mediator fair who conferred with only one side, even if that side was the operators?

Mr. WELBORN. Certainly not.

Commissioner GARRETSON. In regard to the hospital charges in your mines, you made the statement that all railroads in the territory paid a similar rate, that is, all the men, as yours?

Mr. WELBORN. No; I said that railroads, or other large employers of labor that had hospital departments, did render that service at some arbitrary charge.

Commissioner GARRETSON. I think a similar charge?

Mr. WELBORN. Yes; a similar charge.

Commissioner GARRETSON. Do you know the charge on the railways entering the territory?

Mr. WELBORN. I do not know of my own knowledge; I have been told that with some it is a dollar, others 75 cents, and I have been told of hospital charges in excess of a dollar in some cases.

Commissioner GARRETSON. They are graduated on a scale of salary, are they not?

Mr. WELBORN. I don't know.

Commissioner GARRETSON. Is it not a fact that every railroad entering the territory, but one, charges 50 per cent, or less, of the charge made by you?

Mr. WELBORN. I do not know; I would be very much surprised to find it was so.

Commissioner GARRETSON. I think there is only one railroad entering the State that makes your charge.

Mr. WELBORN. Do the railroads keep a doctor at all central points whose exclusive time is devoted to its employees?

Commissioner GARRETSON. Not exclusive time, except at the hospitals. At all points where employees are congregated a man is designated whom the employees call upon if they desire service.

Mr. WELBORN. Does the railroad company in such cases pay all the bills of that doctor in attending to the families of the men?

Commissioner GARRETSON. Their practice varies in the way of what is carried on the line; they are all subject to a joint supervision.

Mr. WELBORN. Do they care for the families of the employees?

Commissioner GARRETSON. I think they furnish medicine, but not hospital service.

Mr. WELBORN. The record shows we take care of all of them.

Commissioner GARRETSON. You can do that; the others are scattered all over. A great deal of comment has been made as to the character of international officers, as to their being interlopers and intermeddlers; is the officer of an international or of a national organization located in Indiana any more of an interloper than the President of the United States, located in the District of Columbia?

Mr. WELBORN. I do not think they are on a parity at all.

Commissioner GARRETSON. Are they not both equally citizens?

Mr. WELBORN. I do not mean to say that an officer of the organization of the International Mine Workers has not a right to come to Colorado, and if there is a condition that calls for the supervision of that order in the interests of the workmen, or the workmen as a whole demand the supervision of that order, then I should say, perhaps they ought to come in. The condition was just the reverse in Colorado.

Commissioner GARRETSON. Is it not a common thing for employers to incite the officers of these international organizations against their own men?

Mr. WELBORN. Yes; they have done it in cases where contracts have been in vogue between the operators and those organizations and frequently have failed to secure—not only to secure justice, through the interference of those officers—the case I read into the record of the central Pennsylvania organization Saturday that had more than 100 strikes in 20 months of its operation. This letter was addressed to Patrick Gilday, and they had appealed to John P. White, without success, to secure redress of their grievances against the organization.

Commissioner GARRETSON. Is it not possibly the case in these various organizations that where there was one violation alleged there were 50 instances where they secured the aid of those officers in the way desired?

Mr. WELBORN. I could not admit that; I have no personal knowledge of it. But there are statements that have been made to me by gentlemen who have been compelled to operate under contract with this organization that assure me the assumption you have just made is not correct.

Commissioner GARRETSON. I am doing just exactly what you asserted a while ago you had to do, drawing on my experience.

Mr. WELBORN. What is your experience with the United Mine Workers of America?

Commissioner GARRETSON. I don't know about the United Mine Workers of America having that experience, but I know of some others where I have had that experience.

Mr. WELBORN. I have not had experience, but I have a number of friends who have, much to their regret.

Commissioner GARRETSON. I am like—in speaking of the allegations that were made as to the condition of affairs that existed in some of the counties of the State, I think your attitude is that those assertions were made by politicians and the officials of the miners and their attorneys.

Mr. WELBORN. I do not recall the instance to which you refer.

Commissioner GARRETSON. It was in regard to the conditions existing in Huerfano and Las Animas Counties.

Mr. WELBORN. Do you mean working or political conditions?

Commissioner GARRETSON. Political conditions.

Mr. WELBORN. I think I made some such statement.

Commissioner GARRETSON. That is not a close quotation, but conditions—contains the sense I gathered from your statement. These attorneys that are mentioned—it is the attorneys' opinions and utterances?

Mr. WELBORN. I don't know.

Commissioner GARRETSON. If it is, would the same thing be true of attorneys in general or those employed by the miners' association?

Mr. WELBORN. I would not like to pass on that.

Commissioner GARRETSON. Going back to the question of the report for a minute, in regard to how men are voted. The assertion was made here on the

stand, I think the first day, that in a certain county they voted sheep; is that a matter of common report?

Mr. WELBORN. No; I should not say so.

Commissioner GARRETSON. Then, it has no value?

Mr. WELBORN. There are sayings that are just as unreliable as that that come into general use without anyone taking them seriously.

Commissioner GARRETSON. That was testified to here, though.

Mr. WELBORN. I don't remember what the witness—what witness it was, but I can not believe he gave that testimony seriously.

Commissioner GARRETSON. It was in reply to a question as to how employees of these two corporations were voted in those two counties.

Mr. WELBORN. Are the gentlemen qualified to give that?

Commissioner GARRETSON. I don't know.

Mr. WELBORN. Who was it?

Commissioner GARRETSON. Mr. Osgood.

Mr. WELBORN. He did not say he voted sheep?

Commissioner GARRETSON. No; he referred to another county, not to those two.

Mr. WELBORN. I think his statement that it—was that it had been reported that sheep were voted in other counties; was not that his observation?

Commissioner GARRETSON. He referred to a county where they voted sheep over there.

Mr. WELBORN. That was not made seriously, you must know.

Commissioner GARRETSON. The other statements I gathered from the testimony of some of the other witnesses are seriously made.

Mr. WELBORN. Some of them are, I think. The local officers of the United Mine Workers for years have stated to the public, and apparently for the purpose of influencing the workmen, that they were being robbed, and that various other unsatisfactory and outrageous conditions existed that could only be carried on through the operation of the United Mine Workers of America. The statements have not been correct by any manner of means, but they have been pretty generally made when those officers had opportunity to practice on the public.

Commissioner GARRETSON. How does it come, unless there is something in an agency of that character, that the almost unvarying testimony before this commission, made by people who are not in any way affiliated with unions, but who are administering the labor laws, is that labor laws are only well administered where there is a strong organization?

Mr. WELBORN. I can not account for any testimony you may have received from other sources. I understand that the labor laws in Colorado are being enforced as well as laws are any place.

Commissioner GARRETSON. The statement has been repeatedly made here before the commission as to the thoroughly satisfied state of mind of the employees of this industry in this territory; that a large number of men, in instances running as high as 99 per cent, had assured the superintendent, directly or indirectly, that they were satisfied; that there was no tendency on the part of the men themselves to take the initiative in the betterment of their conditions. Are we to gather from that, as a commission, that there is no place on the continent where there is no industrial unrest?

Mr. WELBORN. You can gather from that that in Colorado the only reason for industrial unrest in the coal fields is due to the presence of the lawless element brought here by the United Mine Workers of America, and the activities of that organization.

Commissioner GARRETSON. If it was not for that—that as far as this immediate territory is concerned, the idea underlying the attempts of the commission to ascertain what caused industrial unrest, is absolutely unnecessary?

Mr. WELBORN. Yes.

Commissioner GARRETSON. What other locality and interest has spent the blood and the money in strife growing out of industrial unrest that has been poured out in this immediate territory?

Mr. WELBORN. I know of no similar case; I think this is one of the worst, if not the very worst. If our laws had been enforced—I have no intention to criticize public officials—if the military arm of the State government had been asserted in a vigorous way we would not have had the large amount of bloodshed that has occurred.

Commissioner GARRETSON. May not performance of the law and conformance thereto be the greatest of evils?

Mr. WELBORN. It is a pretty safe thing to follow.

Commissioner GARRETSON. Was it followed in 1776?

Mr. WELBORN. I don't know as to that

Commissioner GARRETSON. In 1861?

Mr. WELBORN. I do not think we ought to bring that into this case.

Commissioner GARRETSON. Is it conformance to the law that is embodied in both those cases?

Mr. WELBORN. I do not think that even you—I am sure you would not approve of a failure to conform to the laws in Colorado in the least.

Commissioner GARRETSON. I do not.

Mr. WELBORN. No.

Commissioner GARRETSON. On the part of anybody.

Mr. WELBORN. No; you are right about that, and when you have the facts before you—you may not get them all without securing testimony from a large number of witnesses—you may not be convinced of the facts until then. I would like to have your judgment.

Commissioner GARRETSON. We will try to get them. I think every member of the commission is strictly in accordance with the statement made by Mr. Weinstock. Have the employees in your mills in Pueblo always been paid by your paymaster?

Mr. WELBORN. I do not know what you mean by that, sir.

Commissioner GARRETSON. Were the employees of the steel mills ever paid by a railway company?

Mr. WELBORN. Not to my knowledge, although, before I became engaged with this company, the steel operations—that is, in the very early days of this industry in Colorado—the steel operations were conducted in connection with the Denver & Rio Grande Railway Co.

Commissioner GARRETSON. Is it not a fact that for a number of years the employees of the steel mills were paid by the paymaster of some railroad instead of the C. F. & I.?

Mr. WELBORN. At what time?

Commissioner GARRETSON. I can not designate the years, but, say, 10 years ago, and possibly a little further back.

Mr. WELBORN. It is not true at any time since 1890, I can say from personal knowledge.

Commissioner GARRETSON. Not since 1890?

Mr. WELBORN. No; an associate of mine connected with the company since 1881 says that it is not true since that time.

Commissioner GARRETSON. At no time?

Mr. WELBORN. No.

Commissioner GARRETSON. Good. You made the statement that the company did not ask for the deportation of miners. When was it the deportation of miners took place, in 1904?

Mr. WELBORN. Yes; I think so.

Commissioner GARRETSON. At whose initiative was the deportation made?

Mr. WELBORN. I don't know.

Commissioner GARRETSON. The miners did not ask for it?

Mr. WELBORN. The miners might have asked for it.

Commissioner GARRETSON. The miners working?

Mr. WELBORN. Yes.

Commissioner GARRETSON. Did they have any trouble in making their wants known to you?

Mr. WELBORN. No; but the sentiment of the miners can be secured without the organization.

Commissioner GARRETSON. In that event would the employers have acted as their mouthpiece?

Mr. WELBORN. I do not know as to that; they might or might not. In this case, so far as the company I was connected with was concerned, we did not act as a mouthpiece of the men as to deportation.

Commissioner GARRETSON. You did?

Mr. WELBORN. Did not.

Commissioner GARRETSON. In regard to the dissemination of information in the bulletins that were sent out—in that one referring to the amount of money that was paid to the union men—the union officers and Mother Jones; if it became apparent to your committee in the issuance of bulletins that the information was not well founded, would you issue a bulletin to the effect that your information had been wrong?

Mr. WELBORN. If I could determine that the information published in that bulletin was substantially incorrect, and that an injustice had been done as a result of its being sent out, I should be perfectly willing, even glad, to correct it.

Commissioner GARRETSON. Could you do this?

Mr. WELBORN. Could I do what?

Commissioner GARRETSON. Less than to acknowledge your error?

Mr. WELBORN. I have never had a desire to do anything else.

Commissioner GARRETSON. If you were convinced, would it not be incumbent upon you to give it the same publicity as your former publication?

Mr. WELBORN. I stated that when the commission commenced as to that bulletin I would be very glad to correct any inaccuracies of myself.

Commissioner GARRETSON. Has there not been great criticism of sending out information—even criticized by one side or the other as misinclination to the discredit to the State—has that not been a great factor in these matters?

Mr. WELBORN. I do not catch that question.

Commissioner GARRETSON. Well, the newspapers would publish a story; statements would go out from the mine workers; statements would go out from the mine owners; was there a tendency to criticize the printing of such things, or information, as detrimental to the good name of the State?

Mr. WELBORN. Yes; I think so.

Commissioner GARRETSON. And yet the truth came out regardless of what effect it had on the name of the State?

Mr. WELBORN. Yes; but untruth should not be published broadcast.

Commissioner GARRETSON. And the question of whether it was one party or another who circulated the condemnation ought to go where it belongs, or the commendation ought to go where it belongs?

Mr. WELBORN. Yes.

Commissioner GARRETSON. In naming the amounts that were paid, and the rate of pay that was figured out from the data furnished, have you any objection to stating what the pay of the general officers of your company is?

Mr. WELBORN. If it is a material point in your investigation, I am willing to do so. I am willing to give you a general idea of the salaries.

Commissioner GARRETSON. That is it.

Mr. WELBORN. All important officers engaged in the management of the affairs of our company, their salaries range from \$7,000 to \$12,000 a year. That eliminates the executive officers. I do not care to state my compensation.

Commissioner GARRETSON. That being the case, is it any more a greater sin—I am trying to find the word I want—is it more reprehensible for an officer of a labor union to draw a salary of a certain amount than it would be for an officer of a corporation?

Mr. WELBORN. I think not.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. WELBORN. Will you permit me at this point—

Chairman WALSH. Yes.

Mr. WELBORN. It is in direct line with something that Commissioner Garretson asked me. I have copies of the bulletins of the so-called policy committee of the United Mine Workers of America, with a number of passages marked. I have also a pamphlet of Walter H. Fink, with a number of statements marked, and I would like to present these to the commission with the suggestion that some one be questioned about certain of the statements. I think everything that is marked is pertinent to this question.

Chairman WALSH. Who is Mr. Fink?

Mr. WELBORN. He was director of publicity, District 15, U. M. W. of A.

Chairman WALSH. He has been subpoenaed, but I am—I will examine them.

Mr. WELBORN. Mr. Hayes, Lawson, McLennan, and Doyle signed as a policy committee.

(Papers so referred to handed to Chairman Walsh.)

Chairman WALSH. Commissioner O'Connell would like to ask a few questions.

Commissioner O'CONNELL. I want to get some information for the commission, and for myself in particular. Will you give some reason why the accidents, the injuries, and deaths, as per the statistics furnished, are in Colorado double that of other States of the United States?

Mr. WELBORN. They are not double that of other States, as your question might imply. They might be double that of some States, but less than in others.

Commissioner O'CONNELL. The statistics given us by the chief of the bureau was as 8 to 4 between the United States and Colorado.

Mr. WELBORN. That means 4 represents the average of all other States. For what period is that?

Commissioner O'CONNELL. I think 1913; it may have been 1912.

Mr. WELBORN. The year 1910 was the most disastrous in Colorado coal mining. In that year there were three very serious calamities—explosions—in which—each of which—a large number of men were killed. That question can better be answered by Mr. Weitzel, who is an expert on coal-mining operations and more or less of a geological expert. The geological conditions have much to do with the accident feature in Colorado, and Mr. Weitzel will, I am sure, be glad to tell you about it.

Commissioner O'CONNELL. Had your company entered into contracts with the Baldwin-Felts people for a period of time when the strike was ordered?

Mr. WELBORN. No; we did not.

Commissioner O'CONNELL. Did you enter into a contract at all with them?

Mr. WELBORN. No; we did not. As I stated Friday or Saturday, we availed ourselves of the services they were able to offer in southern Colorado on a number of occasions, and more or less continually after a certain time—a certain period in the strike.

Commissioner O'CONNELL. Do they operate established offices in this section—in Denver, for instance?

Mr. WELBORN. I understand that they have had an office in Denver for some years.

Commissioner O'CONNELL. Were they here themselves during the strike?

Mr. WELBORN. Some member of the firm has been here more or less. I occasionally saw him. My understanding is that that detective organization has been employed by the coal operators in northern Colorado to a certain degree for several years, or since the strike started, some time in 1910.

Commissioner O'CONNELL. Well, is there an established rate or price of payment for services of some kind rendered for the men they furnished to you? The men furnished you have some rate of payment?

Mr. WELBORN. If they furnish us a man, we would compensate them for his services at the rate agreed upon. We have no schedule established, or anything of that sort.

Commissioner O'CONNELL. What would be the compensation for the Baldwin-Felts people for services rendered? Is it an annual compensation or monthly?

Mr. WELBORN. No.

Commissioner O'CONNELL. Just explain to us what the arrangement has been with these people?

Mr. WELBORN. Their arrangement was made with other operators, as I said, some time in 1910. We engaged their services either the latter part of 1913 or early in 1914 only in an intermittent and indefinite way. As we found it necessary to call upon them for help we did it. There is no basis established—any arbitrary basis of compensation between them and ourselves.

Commissioner O'CONNELL. Well, there is a price you pay; this company must get some compensation somewhere to maintain their business.

Mr. WELBORN. We do compensate. They may get it out of the figure we pay them for the services of the individuals employed by us.

Commissioner O'CONNELL. Now, give us some idea of what the compensation is you do pay for individuals?

Mr. WELBORN. If we were to employ from Pinkertons, we would not be asked to pay anything but \$4 or \$5 a day, or whatever their charge was, and my impression is that our payments to Baldwin-Felts would range from around \$100 to \$150 a month per man; in some cases with expenses, depending upon the character of service the man performs.

Commissioner O'CONNELL. You pay the Baldwin-Felts direct for the men they furnish you, or do you pay the men individually?

Mr. WELBORN. We have paid them direct for certain men who are regularly in their employ, engaged for special service. At one time they picked up some men, I don't know how many of them we had, or whether or not all of the men employed on that occasion were in the service of all of the operators. Those men—they were, as I remember it, placed on the pay rolls of the different companies.

Commissioner O'CONNELL. Do you furnish these guards with the firearms, or does the Baldwin-Felts furnish them?

Mr. WELBORN. I don't know. I presume that generally we furnish them with firearms, although I have no doubt that in many cases the men coming, if they

are regularly employed by Baldwin-Felts, they have their own firearms, especially their side arms.

Commissioner O'CONNELL. Does your company buy guns from the Baldwin-Felts or from others?

Mr. WELBORN. No; except that in the case that we purchased some machine guns, in October, the Baldwin-Felts obtained some for us in West Virginia. We had made other purchases of machine guns from the representatives of the manufacturing companies. But they picked, they knew of some that were available, or for sale, by the West Virginia coal operators, and they bought them. My impression is that our voucher was made direct to the company from whom the guns were purchased.

Commissioner O'CONNELL. And not the Baldwin-Felts?

Mr. WELBORN. I find that is the correct impression.

Commissioner O'CONNELL. The testimony before the congressional committee, I notice by reading through that there were four field guns, or whatever their proper title might be, that were purchased by the Baldwin-Felts people and brought from West Virginia.

Mr. WELBORN. I don't think the testimony shows exactly that, sir.

Commissioner O'CONNELL. I may have read it hurriedly.

Mr. WELBORN. But my company made voucher for those West Virginia guns, and my associate here confirms my impression that we paid for them direct.

Commissioner O'CONNELL. Were not the Baldwin-Felts people the purchasers of them?

Mr. WELBORN. Only as an agent.

Commissioner O'CONNELL. They acted as the agent, then?

Mr. WELBORN. Hardly that. Felts said, "I can get these guns for you at a certain figure," and I think the direction was that they ship them immediately to some one of our officers in southern Colorado. Then the bill came, whether through Mr. Felts's office or direct from the coal operators, I don't know; but the bill was sent to us and made in the name of the coal operators from whom the guns were purchased.

Commissioner O'CONNELL. Where are those guns now?

Mr. WELBORN. Either with the militia or the Federal troops, or both.

Commissioner O'CONNELL. Has your company been compensated in any way for them?

Mr. WELBORN. No; we have not.

Commissioner O'CONNELL. Has any bill been presented for them?

Mr. WELBORN. No. You understand these were turned over, along with rifles and ammunition, in response to the proclamation of the President and the request from the commander of the State troops made earlier, that we surrender our arms.

Commissioner O'CONNELL. What is the opinion as to the finality of their ownership?

Mr. WELBORN. I am a good deal in doubt. I fear we won't get them back and that other arms will be left in the hands of the strikers.

Commissioner O'CONNELL. What is the largest number of men that you had employed, as far as you know, these involved in this strike, employed through the Baldwin-Felts people?

Mr. WELBORN. Do you want to know the largest number of men?

Commissioner O'CONNELL. As I understand it, you were one of a committee of three?

Mr. WELBORN. Yes.

Commissioner O'CONNELL. That was the advisers, or the committee handling the strike in Colorado?

Mr. WELBORN. Yes.

Commissioner O'CONNELL. Now, what was the highest number of men furnished you by the Baldwin-Felts company?

Mr. WELBORN. I don't know. I should say around 40 or 50. My memory does not serve me on that, but very naturally when the Baldwin-Felts were appealed to to furnish us some additional protection, the sheriffs in the various counties were appealed to in a very similar way and we took what they were able to supply to us without—able to supply us at the moment; and some of them stayed a day, some of them weeks, and others may possibly be in our employ now, although I think we have no Baldwin-Felts man now in our employ.

Commissioner O'CONNELL. Was there any question as to their citizenship in Colorado?

Mr. WELBORN. The employment was made with the understanding or request—was made with the understanding that the laws should be complied with when they were furnished.

Commissioner O'CONNELL. Was there any checking up of them to ascertain if the law had been complied with?

Mr. WELBORN. There was a checking up in the men that were employed regularly for that service—the men we employed at the beginning of the strike, not through Baldwin-Felts, but through other means, we were very careful as to that. But I will say that on Monday morning, October 27, when the sheriff started toward Ludlow in order that he might get into Berwind Canyon and give relief to the besieged there, men were picked up at Trinidad without regard to their former experience or citizenship. A man who was willing to go up there, to walk, and willing to go and carry a gun, to get these women and children, was taken, and no other questions asked.

Commissioner O'CONNELL. The Baldwin-Felts people have a national reputation of handling mine strikes, have they not?

Mr. WELBORN. I don't know very much about them; very little.

Commissioner O'CONNELL. They were engaged in connection with the West Virginia strike?

Mr. WELBORN. I have seen a great deal in the newspapers to that effect. I know they have an office in West Virginia.

Commissioner WEINSTOCK. One more question, Mr. Welborn.

Mr. WELBORN. Very good, sir.

Commissioner WEINSTOCK. I think it was Mr. O'Connell who asked the question why it is that the number of killed and injured in the Colorado mines was twice as great as in other States, and if I recall your answer it was that that was not true?

Mr. WELBORN. Yes; that was not true. I understood his question to imply that twice the number were killed in Colorado than were killed in any other State; when he qualified that by saying that twice the number, the average in other States of the United States outside of Colorado I can not question those figures. I know that the record of our company in the past year or so compares favorably with most of the other States.

Commissioner WEINSTOCK. Now, in these bulletins, Mr. Welborn, that you handed to our chairman, signed by the policy committee of the United Mine Workers of America, these statements appear:

The total men in Colorado in 1910: In that year 14,768 men were employed; 319 were killed, or an average of 31.6 per thousand.

The average number of killed in the whole United States in that year was 3.92 for every thousand men employed, or one-seventh of the average number of fatalities in Colorado.

In 1911, out of the 14,315 employed, 91 Colorado miners lost their lives, or an average of 6.35 for every thousand men employed.

In 1912 there were 13,000 men at work in Colorado; of these, 95 lost their lives, or 7.31 for every thousand men employed.

This was twice the average number of men killed in the United States. Now, can you, for the information of this commission, discredit these figures?

Mr. WELBORN. The figures as to 1910 are explained by a statement I made to the other commissioner to the effect that there were three most unusual fatalities—catastrophes—at coal mines in that year.

Commissioner WEINSTOCK. That was in 1910?

Mr. WELBORN. Yes, sir; also the record of no other year approaches that in its horribleness, I will say, because the conditions were truly horrible, that there were three very bad explosions in that year. The last year's figures, I am inclined to think, present a very good showing. As I stated—

Commissioner WEINSTOCK. When you say "last year," you mean 1913?

Mr. WELBORN. Yes; 1913.

Commissioner WEINSTOCK. Calendar year?

Mr. WELBORN. Calendar year, from the State coal mining inspector's report.

Commissioner WEINSTOCK. What are the records, as you know them?

Mr. WELBORN. I don't recall them. His report came out very recently, but Mr. Weltzel will be able to give you some more accurate information on that point than I can when he goes on the stand.

Commissioner WEINSTOCK. Does that report give the comparative figures in other States as well?

Mr. WELBORN. I do not happen to know whether it does or not. Yes, it does, Mr. Weltzel tells me.

Commissioner WEINSTOCK. Has he the report convenient?

Mr. WELBORN. I had a copy of that Saturday, but I forgot to bring it in my papers. I will see that you get one immediately after luncheon.

Commissioner WEINSTOCK. It is quite essential in this investigation to this commission to know whether these are the true facts as stated.

Mr. WELBORN. I am not in a position to dispute that statement as to the number of men killed in 1910. It was very large, I know. I should like to express it as my opinion, however, that the number killed was not caused by the fact that the United Mine Workers of America were not in control of the mining operations here.

Chairman WALSH. Commissioner Ballard would like to ask some questions.

Commissioner BALLARD. Mr. Welborn, perhaps you have heard a witness say that labor unions had never bought or shipped any arms or ammunition into the strike district?

Mr. WELBORN. Yes.

Commissioner BALLARD. Is that true, so far as you know?

Mr. WELBORN. I can not tell as to that. It is entirely possible that it is true. The arms and ammunition went into the district often times to union headquarters, according to the best information obtainable, and it is fair to assume that if not an official, some one with the knowledge of the official, made purchases and shipments of the arms.

Commissioner BALLARD. Did the striking miners pay for them, or were they paid for by the union officials?

Mr. WELBORN. I can not give any information on that; but the striking miners were drawing only \$3 per week benefits, and it is hardly probable that they were able, unless they did it from their savings while at work, to spend much money for guns.

Commissioner BALLARD. Well, as I have understood from the testimony, these tent colonies were established about the time of the strike or very soon after.

Mr. WELBORN. Yes.

Commissioner BALLARD. In perhaps strategic and commanding positions between the railroad stations and your mines?

Mr. WELBORN. Yes.

Commissioner BALLARD. So that everything had to pass them. Who established these tent colonies?

Mr. WELBORN. The general assumption is that it was the mine workers' organization. Those men were not in a position individually to establish them, and there will be some direct statements to the effect that the United Mine Workers' organization established them.

Commissioner BALLARD. Now, Mr. Welborn, as one of the commissioners told you, our work is to find the real fundamental causes of industrial unrest. Your companies in Colorado seem to have made a firmer stand than any other part of the United States to resist unionization of their mines by the United Mine Workers. Now, what, in a general way, are your objections to having your mines unionized by that organization?

Mr. WELBORN. The experience of other operators, as recited to me time after time, is that where operators are working under a contract with the United Mine Workers of America the organization absolutely dominates the business. It indirectly, if not directly, controls the men that you may employ and discharge. The statement of the Central Pennsylvania Coal Operators' Association, which I read into the record the other day, is one point or one proof of that general information that comes to me. We have had nearer at home the experiences in certain districts, more particularly northern Colorado, of operators who could not conduct their business and live under the union domination. In this last strike we were influenced, in addition to the reasons that I have given, by the fact that our men themselves did not belong to the union and did not want to. However willing we might have been to join forces with the United Mine Workers of America, we could hardly have done it and have forced our employees to join the organization or leave Colorado.

The fact is that I think we would have lost a great many men had we complied with the request of the officers of this organization, and entered into a contract with them, such as is universal where they operate. It is fair to assume that hundreds, perhaps thousands—undoubtedly thousands—of the coal miners in Colorado came here because of the open-shop conditions. It is not at all unusual for the new workmen who come in to express dissatisfaction with the union districts in which they may have worked, or with the union

conditions, rather, under which they may have been working, and to make bold announcement that they never will have anything more to do with it. Sometimes the inquiry is made by the applicant for work as to whether or not they will be permitted to stay in our employ and outside of the union.

Commissioner BALLARD. That is all, Mr. Welborn.

Mr. WELBORN. The officers—I would just like to add to that, though it was included in another statement—the officers of the organization in Colorado have made it their practice for years, whenever they were before an audience, to tell of the horrible things the operators did to the men, and the large amount in coal that they robbed the men of, and in other ways have attempted to set us in an unfavorable light—place us in a most unfavorable light—not only before the workmen, but before the public. Unfortunately a good deal of the public, or a considerable portion of the public, has believed a good many of those statements.

Commissioner BALLARD. That is all.

Chairman WALSH. You will be excused now, Mr. Welborn; with the understanding that after you have consulted counsel with reference to the statement of that individual, you may be recalled; but I will say, however, that inasmuch as we have an engagement to go over that correspondence at 4.30 this afternoon, you need not give it any more attention until that time.

Mr. WELBORN. I should like to defer it until that time. I have some work to do in the office.

Chairman WALSH. Very well.

At this point the hearing will stand adjourned until 2 o'clock this afternoon.

AFTER RECESS—2 P. M.

Chairman WALSH. The commission will please be in order.

Prof. James H. Brewster.

TESTIMONY OF PROF. JAMES H. BREWSTER.

Chairman WALSH. Please state your name.

Prof. BREWSTER. My name is James H. Brewster.

Chairman WALSH. And where do you reside?

Prof. BREWSTER. I reside at Boulder, Colo.

Chairman WALSH. How long have you resided in Boulder, Colo.?

Prof. BREWSTER. Since June 6, 1910.

Chairman WALSH. What is your profession?

Prof. BREWSTER. My profession is the law; I am a lawyer.

Chairman WALSH. Do you hold a position with the University of Colorado, the State university?

Prof. BREWSTER. At present I am filling a vacancy in the law faculty of the University of Colorado. The vacancy was caused by the sudden death, by drowning, of Mr. Pease. And I was on the ground and had been familiar with the work—my work at the University of Michigan had made me familiar with some of the subjects that he taught, and I was asked to take his place at the beginning of this year, this academic year. So I am, as they say, acting professor of law in the University of Colorado, teaching real property.

Chairman WALSH. When were you admitted to the bar, Professor?

Prof. BREWSTER. I have been admitted to the bar of New York, of Michigan, and of Colorado. In New York in 1881; Michigan, 1883; and Colorado, I think, in 1911 or so, on motion.

Chairman WALSH. I wish that, first, you would state what, if any, study you have given to the industrial situation of Colorado, when you began, and the circumstances under which you took it up.

Prof. BREWSTER. My attention was first directed to the industrial conditions in Colorado in 1904; that is, first actively and personally. I was introduced to the subject—then on a three months' visit here just after the strike of 1903-4 in the metalliferous and coal mines. Before that I had always taken an interest in industrial matters, so far as a lawyer in practice and in teaching law could have time to do so. In 1904 I was here on a three months' visit. And what particularly impressed and interested me then was the complacency with which very many of my friends viewed what seemed to me as a lawyer and as a citizen the wholly unconstitutional, unlawful acts that had been resorted to by both sides in the so-called Cripple Creek disastrous strike. And I made them as earnest a study as I could of that subject. I followed it by correspondence

with my brother later, and in coming here in 1910, expecting at that time to die within two months, I took an interest in the local strike just to keep myself interested in something alive—the strike that was then going on in Boulder County. And curiously, as many people have done who have come to Colorado, I disappointed both myself and friends, and lived. And my study continued, and it furnished a means, I think, of my recovery, because it gave me something to live for. That is the way I became interested in industrial conditions in Colorado, if you ask me.

When the strike of 1913-14, this present southern strike was instituted, I was not occupied with other things and had sufficient health to devote my attention to a citizen's duties, and I began then to think, in spite of the history for 34 years of Colorado, that there might be some chance of peace in the future. So among other things, not to make a long story of it, in October, 1910, I was one of a committee from the Boulder Commercial Association to come in and interview the striking miners, or their representatives, the United Mine Workers of America, and the operators, and in that interview I learned, of course, great deal more than I had before.

In the first week in October this committee called upon the United Mine Workers of America at their offices; we called upon Mr. Brown and Mr. Shumway, of the Rocky Mountain Fuel Co., at their offices, as they were more especially interested in the northern coal fields, and that was what interested our particular committee more at that time than anything; and we also called upon the governor.

In that investigation we were in then it was very evident that there were at least two sides to this question, and some of us were impressed with the fact that there was an important third side to it. While we were at Mr. Brown and Mr. Shumway's office, and while we were talking with the governor, it was impressed upon us that all citizens should take a greater interest in this matter, and we were asked, if we had any suggestions to make, to make them. I therefore took the liberty, on the 10th of October, 1913, to address a letter to Mr. Shumway, to Mr. Welborn, whom I did not know, to Mr. Osgood, whom I did not know, and I sent copies of my letters to the governor, suggesting that as other strikes had been settled upon what is known as the basis of "the preferential union shop," notably the cloak makers' strike in New York in 1910, that it might be possible to settle this strike upon that basis. Besides writing to the operators, I wrote the same kind of a letter, practically in the same words—though each letter was dictated from notes, and there are slight variations in each letter—I wrote the same letter to the United Mine Workers of America. I then had a very slight acquaintance with the officials—Lawson, McLennan, and Doyle, of that organization—having met them at this previous interview at their office when we were in a few days before.

I received a letter from the governor, in which he expressed his satisfaction at the suggestion made, and his appreciation of the fact that we were taking an interest in that matter, and he wanted to know what Mr. Shumway replied. As a matter of fact, Mr. Shumway never replied at all, but Mr. Welborn and Mr. Osgood wrote me very courteous letters. I ought not to try to give the substance without giving—

Chairman WALSH. I was going to ask—

Prof. BREWSTER. I have copies of all that correspondence, but it may not be worth while now, as it has been in the past; but it is here.

Chairman WALSH. Will you please hand it to the commission so that we may look it over.

Prof. BREWSTER. The substance of their communications was that if—Mr. Osgood said that he was too busy to attend to the matter, and Mr. Welborn, in substance, said that if we could get rid of Mother Jones and Mr. Frank Hayes there would be no trouble.

I do not know whether you care for this now, Mr. Chairman; perhaps some of you know the principles upon which the cloak makers' strike—

Chairman WALSH. We would like to see how you presented it.

Prof. BREWSTER. Very well. This is dated October 10, 1913, Boulder, Colo.:

"Mr. E. E. SHUMWAY,

"President Rock Mountain Fuel Co.,

"Foster Building, Denver, Colo.

"DEAR SIR: I am one of the Boulder people who called at your office the other day. I understood you and Mr. Brown to say that you would be pleased

if any suggestion could be made which would lead toward more peaceful conditions in the coal camps. Permit me to call your attention to the following:

"In 1910 the very bitterly contested strike in the cloak-making industry was adjusted in New York with subsequent gratifying results to both employers and employees. In that case, after some preliminary negotiations had been had through the mediation of disinterested parties, the stumbling block was found to be 'recognition of the union,' the manufacturers insisting upon an open shop and the employees insisting upon a closed shop. When a treaty was finally made the Manufacturers' Protective Association had 123 firms as members and the employees numbered 15,000, and now number, I am told, between forty and fifty thousand. Among the latter were thousands of recent immigrants of divers nationalities. That wasteful strike was finally adjusted by the adoption of the principle of 'the preferential union shop.' In the adoption of this principle there need be no sacrifice on either side of independence or of what the parties view as basic principles. In order that there may be an effective treaty of this kind there needs to be an association of operators. This, I believe, you already have. There also needs to be some organization among the miners, in order that their representatives may agree to the treaty. I call this general agreement a treaty to distinguish it from contracts which may be made a particular mines supplementary to the general agreement and in conformity therewith. Let this treaty provide for a general scale of wages and for other conditions of work. Then let one section of the treaty provide as follows: 'Each member of the operators' association is to maintain a union mine, and by a "union mine" is understood one where union standards as to working conditions, hours of labor, and rates of wages as herein stipulated prevail, and where, when hiring men, union men are preferred. It being recognized that since there are differences in degrees of skill among those employed in mining, the operators shall have freedom of selection as between one union man and another and shall not be confined to any list nor bound to follow any proscribed order.

"It is further understood that all existing agreements and obligations of the operators, including those to present employees, shall be respected. The operators, however, declare their belief in organization of employees and their belief that all who desire the benefit of organization should share in its burdens."

Prof. BREWSTER. That is, I will say in parenthesis, taken from the cloak makers' treaty or protocol. [Continuing:] "This treaty should then provide for a grievance committee and for a board of arbitration, on which latter board it would seem the general public might be represented. In the event of any dispute it should be agreed that no strike or lockout because of the matter in dispute should occur until that matter has been considered by this board of arbitration. Of course there are other details necessary to such an agreement, but if this fundamental proposition is agreed to they can all be worked out easily.

"I am informed that the results accruing from the treaty made three years ago between the cloak manufacturers and their employees have been wholly satisfactory. Now, can not something like this accomplish good here? Surely what man has done man can do. I remain,

"Very truly, yours,

"———."

I wrote a similar letter to Mr. E. M. Doyle, secretary-treasurer, District 15, to Mr. Welborn and, as I say, to Mr. Osgood. I took the liberty of introducing myself to Mr. Osgood in this way. The substance of the letter is the same, but I said:

"Please pardon my seeming intrusion, but being one of the committee recently appointed from this city to see if it were not possible to bring about an amicable adjustment of the affairs in the coal camps, and being also deeply interested as a citizen in the welfare of Colorado I venture to remind you of the following facts."

Then practically going on the same way as to the suggestions for the protocol and the special treaty. I wrote to Dr. Corwin because I had friends who knew him, and I introduced myself in that way. I also wrote to Mr. Welborn.

Chairman WALSH. Who is Dr. Corwin?

Mr. BREWSTER. Dr. Corwin is the very efficient head of the somewhat celebrated Colorado Fuel & Iron Co.'s hospital at Pueblo. And I had friends—among them my wife—who knew Dr. Corwin, and I knew he was a gentleman of the highest type of character and, feeling that every means should be taken to bring about a settlement, I introduced myself in that way to him.

Now, I sent a copy of the letter to Gov. Ammons, as I say, with just a note saying that when some of us were in from Boulder—

"We called upon you the other day, and you said you would be glad to receive any suggestions which would seem to lead toward an adjustment of the troubles in the coal camps. I therefore venture to inclose a copy of a letter which I am sending to Mr. Shumway, which I trust you will take time to read. Permit me to say that experience seems to show that where controversies of any kind have reached a certain stage it is impossible to get the parties to talk with one another; but at the same time it does not follow that it is impossible for some third party to obtain concessions from each without telling the other just what concession he has obtained, and then, before the parties realize it, bring them together. I believe it is the duty of every good citizen to assist you in every way he can; and this is my sole reason for addressing you now upon this matter. I remain,

"Very respectfully, yours."

I received a letter from Gov. Ammons in which he says:

"DEAR SIR: I thank you very much for the suggestion made in your letter to Mr. Shumway, and, if not inconsistent with his wishes, would be obliged if you would let me hear any suggestion he makes in reply.

"Very truly, yours,

"E. M. AMMONS."

Mr. Osgood wrote as follows:

"DEAR SIR: I am in receipt of your letter of October 11, and appreciate your interest in the strike situation, and your courtesy in writing me in regard to it. If I was not so busily engaged with matters growing out of the strike which occupy practically all of my time, I would be very glad of an opportunity to discuss with you the questions raised in your letter. To my mind there is but one question at issue at present, and that is the right of the men who are now working at the mine, comprising more than 50 per cent of the full force, to continue to work peaceably and to receive protection against violence and intimidation on the part of the strikers.

"Sincerely,

"J. C. OSGOOD."

Mr. Welborn wrote as follows:

"DEAR SIR: I am in receipt of yours of the 11th instant addressed to me, as well as one of the same date addressed to our chief surgeon, R. W. Corwin, Pueblo, which has been referred to me. In the next to the last paragraph of your letter to me, you say"—

This was a slight variation from the other letters. I did say, "Can not Colorado settle her own affairs of this kind without a congressional investigation or other intrusion by outsiders?" I put that in my letter hoping that would appeal to his sense of loyalty—

"there is but one answer to make to this question, which is that Colorado ought to be and is able to handle matters of this kind without any outside interference. This could have been accomplished at the inception of the trouble, which practically dates from the arrival of the outsiders, headed by Hayes and Mother Jones, if these people had been directed by proper authority to either stay outside of the State's borders or cease inciting riot and insurrection, which was their purpose, and which has been accomplished by them. Or failing in that course, peace could and would be quickly restored by the calling out of the militia and the disarming of the rioters in Colorado. On the arrival in Colorado of Hayes, Mother Jones, and the other agitators from the East, peace and harmony prevailed in the coal-mining districts of the State with the exception of disturbances that have been in progress for sometime in Boulder County. All mine workmen were well satisfied with the conditions of labor"—

I think he means "of labor"—

"and wages, and so freely expressed themselves. They enjoyed all of the privileges or advantages that the agitators professed to want to secure for them, and even more, and honestly resisted the efforts to bring them into the United Mine Workers' organization. They knew and freely said that recognition of the union by the operators, which involved forcing all coal-mine

employees to join that union whether they wished to or not, meant greater expenses to the miners without any increase whatever in earnings.

"Yours, truly,

"J. F. WELBORN."

Mr. Doyle wrote, if you care for it:

"Your letter of the 10th instant at hand and contents noted. Permit me to say that I am much pleased with the interest you have taken in this industrial conflict and believe that if more of our citizens would give some attention to these matters the labor problem could be solved without causing so much suffering among those not only directly engaged in the warfare, but the people at large.

"As to the suggestion made, I desire to say that the officers of the United Mine Workers of America would be very willing to meet with the coal operators of this State for the purpose of discussing this matter or any other plan or suggestion that they or other interested parties might desire to offer. I am of the opinion that the present strike in northern Colorado would not have been had the operators continued in conference with the miners' representatives, but be that as it may, I see no reason why an agreement could not be reached if a conference were had at this time. I am positive that the final settlement of the coal strike in this State will be made through a joint conference of operators and miners' representatives; and that being the case, I can not see why a conference should not be had at an early date. It has been clearly demonstrated in the strike that has now pended more than three and one-half years in northern Colorado that the miners can and will continue to strike until their right to form themselves into an association has been conceded by those now opposing it.

"If you have not sent a copy of your letter to the operators, I would suggest that you do so, and in the event that they are agreeable, I am sure the officers of the mine workers would heartily consent to meet them at any time or place they may name.

"Thanking you for your efforts to bring about the settlement of this strike, and hoping that your suggestion will result in bringing both sides together, and that the outcome of such conference will be a settlement of the present coal strike, I remain,

"Yours, very truly,

"E. L. DOYLE, *Secretary-Treasurer.*"

I might say, Mr. Chairman and gentlemen, right here, that in this matter I propose, if I may be allowed to go on, to set aside all personalities, either concerning myself or other people. The issues at stake have been and are too great to warrant me in suppressing on my own account anything that may seem to be an intrusion like this into other people's affairs. They also warrant me in saying nothing, if I can help it, against other people who may differ from me, which will be of a personal character. I speak of that for this reason. This seems something like butting in, but I am no longer a boy. I have been engaged in this kind of thing for over 35 years, and I don't propose to live in a community without doing my share of work as a citizen, humble though it may be, to bring about a better state of affairs. And that is the only reason that I shall refer to personal matters as to myself or as to anyone else; and I wish to say now that if I refer to names or to anyone else I shall do it absolutely without the slightest personal feeling in any way, and simply to aid in eliciting the truth. That is all I have in mind.

Chairman WALSH. Do those letters which you have read include all the replies which you received?

Prof. BREWSTER. That is all I received. Mr. Shumway and Mr. Brown, whom I knew personally, never answered. I will say this, that we had had a committee consisting of people of varied interests; there was Mayor Armstrong, of Boulder; there were the county commissioners; there were business men and others of divers views. I had opposed the calling out of the militia in Boulder County, and successfully opposed it, because I knew what it meant, and it had not been necessary. And for that reason I was supposed to be in sympathy with the miners, and I perhaps was the only member of that committee who was supposed to be in sympathy with the miners; but I will say this, that when I left Mr. Brown's office, just when I was going out among the last, Mr. Shumway—although we had talked very decidedly and very firmly, Mr. Shumway said to me this, and I shall never forget it, because it seemed to me worth bearing in mind for my future guidance. He said to me, "Mr.

Brewster, you seem to be a man who can see two sides to this question." I told him that I could, and that I saw their side perfectly. At that time I did, and I have become still better acquainted with it, and I see the operators' side exactly, just as I see the miners' side.

Nothing came of that and nothing came of anything, except there was shooting, there was rioting, of which we read in the papers, and on the 28th—about—of October the troops were called out.

The next event of any importance, as I now recall, was a meeting of the State federation of labor on the 16th of December or the 17th of December, 1913. Shortly before that I had prepared a paper comparing arbitration laws—the law of New Zealand, the law of Canada, the Newlands-Erdman bill, and had read a paper at the scientific society at the University of Colorado. I determined to see if there was not some means at that time of evolving a law in this State on some of those lines, and Gov. Ammons had been urged to call a session of the legislature, which he declined to do. I was then studying the question in order, if possible, to help some of my friends in the legislature in evolving a reasonably fair and just arbitration law. That is why I had that briefed at the time. Nothing, however, came of the suggestion to call a special session of the legislature at that time. If it had been called, I venture to say that much of the subsequent trouble would have been obviated; and the almighty dollar, which is so important here in Colorado, would have been saved for better purposes.

The next event, however, of any importance is December 16, or about the middle of December, when the State federation of labor met. I saw the announcement, and I came in from Boulder and went to the place of meeting. I supposed, of course, that an outsider would not be allowed in. I asked the doorkeeper, however, if nonunion people and nonmanual-labor people or non-working people were admitted. He said they were very welcome. I sat through every meeting of that session of the convention, and one very interesting and noticeable fact was that while it had been well advertised and was pretty well reported in the papers, I could not recognize and I did not see a banker, a lawyer, a minister, or any other than what we would call the union working people there. I was practically alone as a citizen outside of the union people. I sat in the back part of the hall and sought no acquaintance with anyone. I listened attentively to the exercises of that meeting, and I was amazed—having attended many deliberative assemblies of lawyers, business men, doctors, and been in politics and attended conventions—at the intelligence and acuteness shown in their debates. It was, to my mind, one of the most educative influences I ever had. I heard "Mother" Jones speak several different times. While she deplored the evils which existed in our industrial conditions, I heard her positively and most emphatically discourage anything approaching violence, drinking, or anything of that kind. One phrase of her's was fixed upon my mind, "Boys, no booze and no violence"; and one time—there was a bar down below at this place where the meeting was held; I think their clubroom down on Larimer Street, or somewhere downtown—one or two of the men came in drunk, and "Mother" Jones got up on the platform and had those men put out. There was another time during the convention—I speak of this as showing the temper of the convention—when they were discussing the militia and what they thought had been the abuses of the militia. There was one time when a lot of hot-heads started from one quarter of the room—there were several hundred there—and they started to the door. "Let's go to the governor now," they said, "and demand the recall of the militia or the removal of certain men from the militia." They started for the door. Mr. William Green and other leaders got up and in a few quiet words restrained them and kept them there and asked them what they were about, in running about without knowing exactly what they were going to do. I speak of that as showing the divers interests and characters that make up such a convention as that.

On the whole, as I say—and I speak from my experience in conventions—I never saw a convention of lawyers that handled their business better than they. I never saw any convention, political or otherwise, that handled their business with such fineness of debate, in some cases with such choice language and oratorical ability, as they handled theirs. I thought to myself, that is a most encouraging sign.

They passed resolutions about the militia; they had a meeting in the adjoining room here with the governor—the hall of representatives here; the governor was there. But before they came to that meeting one or two persons had told their stories before this convention as to the facts of what they considered abuses of the militia. Mrs. Germer told of her arrest and of being insulted by

Maj. Townsend. I saw the temper of the convention, and, having met the governor before, I left hurriedly and came up to him, and I said—I did this at the suggestion of a man who knew the governor well and was a well-known citizen, and he asked me, as I told him the story, he asked me as I had been at the convention and seen it and knew its temper, he asked me to come and speak to the governor about this one matter which I am now going to speak of. That was the immediate suspension or removal with right of subsequent trial and appeal of Maj. Townsend; and I came up to the governor and approached him as well as I could, politely and courteously, and I said, "Governor, now there is a chance to do something to show the working people that the government is at least going to be fair." I said, "There has been a *prima facie* case made out of gross abuse of constitutional privileges, of loss of a sense of manhood, of insult to a woman, by Maj. Townsend, a lawyer who ought to know better." I said, "There is no question about it. I have inquired myself from others besides the woman involved; and I ask you now to order the immediate suspension of Maj. Townsend, and direct that he have, in some form, a trial as soon as possible." He said, "I can not condemn a man unheard." I said, "I don't ask you, Governor, to condemn him. I ask you to do what is done in the United States Army, in the Navy, and in every large employing establishment, when a *prima facie* case is made out against a man of gross abuse of duty to suspend him at once from duty and give him a trial as soon as possible." He said, "I can't do it. I can not condemn a man. I can not injure a man without hearing him." At that very time, Mr. Chairman and gentlemen of the commission, there was man after man imprisoned in Trinidad without a hearing, without a trial, some of whom were afterwards discharged; and they were imprisoned upon the order of the governor and Gen. Chase. I put that up to him. I said, "Have these men had their constitutional hearing? The courts are sitting." He would not listen to anything. I put it up to him as a question both of principle and of policy, both of principle and of policy because both are proper to be applied in the conduct of affairs of life. He would not listen to it at all.

So the convention adjourned and met in this adjoining hall. The governor then heard the stories of these people. Then he saw there was something possibly in it. Then he directed them, or requested them, to appoint a committee to investigate the militia. He said he would cooperate in every way with any committee that might be appointed by this convention to investigate the alleged abuses of the militia. The committee went back. They passed resolutions condemning the militia; they made some other recommendations; among them they left in the hands of an executive committee a possible recall of the governor and various other things. No action was ever taken upon that recall. It was, in a way—I am merely guessing here—a sort of sop thrown out to the radicals that something might be done later on; I don't know. I went home to Boulder. That was, I think, Thursday of that week. On Saturday morning I was very much surprised to get a telephonic message from the office of the United Mine Workers asking me if I would act on the committee suggested by the governor. I got this telephone from McLennan, I think, whom I knew slightly, just as I knew the others. "Why," I said, "Mr. McLennan, of course you know I am not a union man." "Well," he said, "We would like to have you act on the committee." I said, "I will think it over." I said, "Who is the chairman of the committee?" He said, "Mr. Lawson will be chairman of the committee." I said, "I will think it over, and I possibly will come in and see you to-morrow." I did think it over, and I went in Sunday afternoon and went to see Mr. McLennan, and I saw with him, Mr. Lawson. I said, "I will accept a place on that committee only on one condition, and that is that you understand that I do not at present believe these charges against the militia—that is, the charges as put in the extreme by you. I will accept, however, a position upon that committee if you understand distinctly that I am to go right through with it in my own way and make my own report, whether it agrees with you union men or not." McLennan and Lawson said, "That is all right; do that."

Monday I came in again from Boulder, and we had a meeting with the governor. It was a very fair, fine meeting. The governor said, "I hope you will investigate fully. I will give you all the assistance I can." We then asked him in writing, so as to have no mistake about it—we asked him in writing, and I have copies of the letters here. In fact, they are all contained in a report that afterwards was printed. In view of the controversies that might arise we asked him to assure this committee that any member of the

militia would not suffer or that no other citizen, so far as he, the governor, was concerned, would in anywise suffer if he told the absolute truth to this committee. He gave us that letter. It is a short letter—no; he gave us a letter addressed to Gen. Chase, in which he said—but I never think it prudent to say what a man says in a letter without reading the letter. I will read you the letter if you care for it. It is all in print, however, and you can have copies of it.

Chairman WALSH. Please let us have the printed copies of the report.

Prof. BREWSTER. I shall give you printed copies of our report and the whole thing. I myself have tried to make it a point when important matters are concerned to get things in writing, so that I will not have to make general charges of "lying and perjury" unless I can sustain them. I will read the copy of that letter addressed to Gen. Chase.

Prof. BREWSTER. The governor gave the committee a letter dated December 22, 1913, which is as follows:

"TRINIDAD, COLO.

"Gen. JOHN CHASE, *Adjutant General*.

"DEAR GENERAL: In response to my suggestion President John McLennan, of the State federation of labor, has appointed Mr. John R. Lawson, Mr. James Kirwan, Mr. James H. Brewster, Mr. Frank Minar, and Mr. Eli M. Gross a committee to investigate the charges made by the convention against certain alleged misconduct on the part of the members of the National Guard.

"I understand this committee desires to leave Denver to-night for the southern coal field to pursue this investigation. You will please give this committee every assistance within your power to the end that they may secure what information they desire. Please have them furnished with any information you may have or direct that anyone who has information shall give it to them.

"I will appreciate it if you could, if they so desire, send some one with them wherever they want to go.

"Very truly, yours,

"ELIAS M. AMMONS, *Governor*."

We went to Trinidad. Gen. Chase could not see us on the 23d, but did on the 24th. On the 23d we made some preliminary investigation, and I, as I did throughout the investigation, made a great many private investigations that these union men knew nothing about. Before they knew who we were I talked with some privates on the street, for instance, and I had a talk with union men and saw it was a fine opportunity to find out if my friends in Denver and the north had been correct in their statements to me that there were no grievances among the men and that they had been forced out by union men. I talked with privates in the National Guard before I saw Gen. Chase, and it is worth while to note a conversation I had with two privates on the streets of Trinidad.

I met one fellow and I said, "It is too bad you are down here away from home; it is going to spoil your Christmas." And he said, "I could not go home anyway." And I said, "Why?" He said, "I live too far away." I said, "Where do you live?" He said, "In England." I said to him, "What are you doing in the National Guard of Colorado?" "Oh," he said, "I was here, and I wanted the money and I wanted the fun, and that is why I am in the National Guard of Colorado." Of course I don't know that fellow's name. If I had thought all this was coming up, I would have taken his name. I spoke to Gen. Chase, however, about having Englishmen in the National Guard, and he said he knew the law as well as I, and we had some words about it.

I met another private and I said something of some sort to introduce the subject. I said, "I suppose you don't like this kind of work very much, do you?" And he said, "I don't know; it is just as easy to loaf here as anywhere." I said, "You don't like to be called a 'tin willy,' do you?" And he said, "That is just what we are." That was rather interesting. He said, "We are not real soldiers." And that was one of the points that impressed me afterwards in talking with some of the others.

There are many real soldiers, fine men, in the militia, privates and officers—fine men. There are many of our students at the University of Colorado in the militia. There are many fine officers, men who will absolutely speak the truth. They have spoken the truth privately. They can not always speak the truth

publicly, owing to the military aspect of the matter and the possibility of court-martial, and the fact that a man does not want to speak, as a subordinate, of his superiors. I shall come, however, to more specific matters before I get through. I am speaking now absolutely irrespective of personal considerations, either for myself or other people, and I propose to state what certain captains of the militia have told me, possibly without mentioning their names, unless I get their permission. What I want now to emphatically say is this: That there are as fine men, young men and boys, noble young fellows, in the militia as will be found in any body of soldiers anywhere. But the trouble with certain people is just what now is troubling Europe; it is military megalomania, and that is at the root of the trouble in our National Guard, and that is what is ruining Europe, and I can demonstrate it and do not propose to argue, but state plain facts. I can even demonstrate it to any body of operators, or of fine ladies whose hands have never reached across the bridge table or elsewhere, to help a fallen sister, and who yet will abuse Mother Jones. I can demonstrate this, however, that while the militia, or many of them, are fine men, there are some of the worst scoundrels in the militia who have ever lived anywhere; that is incontestable.

We continued our investigations. An interesting fact, by the way, happened after this committee got to Trinidad. We had the first day we were there learned of the riotous conduct in saloons and houses of ill fame of many of these young militiamen, and knowing some of the fellows who were in the guard, I thought to myself, what an association that is for some of these good boys; how would I like to have my son associating with some of these men whose conduct is incontestably what it is shown to be?

But an interesting fact happened. About the time we got there and began to learn these facts, a general order was issued, General Order No. 12, I think it was, "Military district of Colorado," forbidding all saloon keepers there to sell militiamen drink. I thought to myself that is one good effect, at least, this committee has had, because it was the effect of the committee's visit. We learned the first day so much, and some of the things we learned were reported to the officers that that is the result I have no doubt, and Gen. Chase will say the same thing undoubtedly, and Maj. Boughton will, that that was the cause of the issuance of that order, and it prevented the saloon keepers from selling to these young militiamen who had gone down there to fight, selling this fire water that caused some of the acts that have been committed.

We had a conference with Gen. Chase. Now, certain things transpired there that unless Gen. Chase gives me his permission to speak of I will not mention, because they reflect upon his ability as commander. They reflect upon his temperament. He and I agreed that the matter was over. It was all taken down stenographically, and he promised a full stenographic report of our communication and his talk with us and our talk with him, but we tried several times to get it and it was never obtainable. We did not want to be put in the hole by his publishing what had not been said and done there; we wanted that for our own use. He promised it to us, and we went for it several times, but he never gave it to us.

We had this conversation with Gen. Chase, and the particular thing I can speak of is this: He said he did not care for the governor's letter, that we could not talk with a private—that we could not talk with a private and that we could not talk with an officer; that we must get all our information from him and his office alone. I said, "General, I think the way to get at the truth will be to take, for instance, any one of these charges, where we know who some of the men are who are charged with offenses—let us see the militia and get their story; let us judge, and I assure you they will be as fairly treated as it is possible for any body of men to treat another body of men." He said, "No, sir; you can not talk to any of our officers or any of the militia or any private." I showed him the governor's letter where it was distinctly stated, and that is what we had in mind. I personally did not believe the stories and wanted to investigate one or two from the militia's point of view—"You will please give this committee every assistance within your power to the end that they may secure what information they desire. Please have them furnished with any information you may have or direct that anyone who has information shall give it to them." The governor commanded the adjutant general to direct anyone who had any information to give it to us. We wanted—at least I earnestly wanted—to get the absolute truth from the militia's point of view. We were not allowed to talk, after it was known who we were, with any officer or any private of the militia.

I haven't any doubt myself but that some of them could have cleared up—in my mind, at least—some of the charges against them. I have talked privately with some of them since, and things have been admitted and other things have not. We were not allowed, as I say, to talk. We began our investigation. We examined 163 witnesses, at least one-third of whom were in no way connected with the union at all. Going down, as I did, without any ideas that any charges were true, I was simply astounded to find that the charges as made at the convention of the federation of labor were mild. As time went on I was made nearly ill with the seriousness and the gravity of the situation.

If our constitutions mean anything at all—I mean our paper constitution—and if the history of Anglo-Saxon liberty means anything at all, it must make any man who loves constitutional liberty and who loves his country ill to learn what he learns from an investigation of some of the acts done in the south.

Chairman WALSH. Will you please sketch some?

Prof. BREWSTER. We have the usual constitutional provisions. Among other things we have just the general constitutional provision in this State which prevails in every other State that the military shall be at all times in strict—"always" or "at all times," I have forgotten the precise words—in strict subordination to the civil power. We have the usual constitutional civil-rights provisions that no man shall be deprived of life, liberty, or property without due process of law. We have the usual constitutional provisions that there shall be no unreasonable search or seizure. We have the provision in that connection as to particulars about the warrants that shall be issued; anyone who has looked into the law at all knows that you can not search ordinarily without a warrant, but the particulars of the warrant must be carefully looked into; probable cause upon oath or affirmation must be shown before you can search a man's house. Various provisions of that kind, as we all know, the result of centuries of work to preserve constitutional liberty. We have all the common constitutional provisions.

Among other things, in the course of these violations of the plainest constitutional provisions, where union men were not concerned, was the search of Mrs. Hall's house. I will put that just as briefly as I can. In the middle of the afternoon Mrs. Hall, the wife of an undertaker who had performed undertaker's services for various union people who had needed them—Mrs. Hall was at home with her two little children and a hairdresser. She was a newcomer to that particular neighborhood and was not known very well to her neighbors. So the particular circumstances that surrounded this search were all the more mortifying. Sixteen soldiers surrounded the house. The officer—the captain or lieutenant, I forget which; I don't suppose he was captain; that is, I don't know whether he was captain or not; I haven't his name, and it isn't material—in the most gentlemanly way entered the house without knocking and told her he must search the house for arms. The children were frightened. She asked him why he must search the house for arms. He said because he was ordered to. As far as I can find out he was strictly polite in his behavior, but he made a thorough search. She told him in the first place that the only arms they had was an old rifle standing in the corner of the closet, and she pointed it out to him. It was one her husband had had for 10 years. They had been married 8 years, and it had always stood in the houses they had lived in, in somewhat similar places, conspicuously.

By the way, we have a provision in our constitution, of course, providing that people may bear arms for the protection of their homes and property. That, of course, justifies the operators in having their machine guns. And Mr. Blood has some interesting testimony as to how far it will justify a man in shooting another who invades his premises. Of course the proposition is familiar to any reader of English history that an Englishman's house or an American's house is his castle. Well, they searched. Two neighbors called, or two visitors called—in an automobile, by the way—and were denied admission the house. Mrs. Hall looked out at the window, and all the neighbors about were watching the house, surrounded by these soldiers—militiamen. The man insisted that he must search the cellar, and went down there. He found one place that was not cemented over or floored over, and he told Mrs. Hall that now he had it. And so he stuck his bayonet or sword in the soil all around looking for arms buried in the soil. They stayed there about an hour and left. And all this time the children were greatly frightened.

Now, that seems—the courts were open, so that search warrants could be issued—all the courts of Las Animas County were open, the circuit court—the district court rather—other magistrate's courts, the justice courts, were all open at that time. If there had been any probable cause for believing arms

were there, a warrant could have been sworn out in constitutional form, describing the property and premises. Now, it does not need a lawyer to tell anyone that such a thing as that is simply and shortly and plainly a gross outrage. I would say so anywhere. I would say so surrounded on a dark night by thugs like Linderfelt, and he could beat me over the head with his Springfield rifle, as he did his prisoner, Tikas, if he wished to; but I say it. It is an outrage that must be spoken of anywhere and everywhere by any American citizen, and must be protested against if we propose to preserve our liberty; that is one thing that was done, and it was comparatively a small matter.

The week before they had searched her husband's undertaking establishment, taking down the coffins, opening them up for arms. For justification for that the explanation given may not be true, or it may be true.

The explanation given is that Mr. Hall had had the audacity to bury union people, and had shown his sympathy in that way and other ways with the working people and with the unions. Another explanation is, which I don't take so much stock in, but it is nevertheless there—there is some evidence for it—is that he had taken some business at different times away from another company, and in that company there was then owned or had been owned some of the stock by one of the minor officials of the Colorado Fuel & Iron Co. There is some evidence to that effect. It is comparatively a small matter and does not make much difference one way or the other, to my mind. It is the act or the commission without special reasons for the motive that I protest against. Men were arrested down there at different times without any pretext of a crime.

Gov. Ammons says himself, in a communication to the congressional committee, that many of the men were arrested in the hopes of securing evidence or in order to secure evidence.

We have a clause in our constitution that provides that no imprisonment of that kind shall be held to secure evidence whatever; that no one shall be held as a witness, except just so long as he may be taken before a magistrate to make his deposition. That is a constitutional provision of extreme importance. Men were arrested and held for various lengths of time—40 days, some 53 days, 55 days, and some were discharged without any charge ever having been made against them.

Chairman WALSH. How many did you say have been arrested without warrants, without any charge being made?

Prof. BREWSTER. I did not count them all up.

Chairman WALSH. Could you approximate it? I will have to ask you to go along a little more hurriedly.

Prof. BREWSTER. Well, I don't know. There was a dozen men at one time, I think, perhaps more, without any warrant or charge. One man I saw arrested, and a doctor testified that he died by reason of exposure in the damp jail. That is Gus Marcus. I might go on and talk on the line of these constitutional provisions at some length. Besides that class of higher violations of law, there are many of the vulgar violations of law, like plain robberies. That is hardly necessary to go into, as long as there is no law upon this point that—

Chairman WALSH. If you could briefly, without giving the details of each one?

Prof. BREWSTER. What?

Chairman WALSH. I wish you would give instances of plain robberies—just briefly.

Prof. BREWSTER. One robbery made a great impression upon me—robbery of an Italian man Brogatti, a naturalized citizen, who was robbed of \$300. He was at Segundo. He told us there very graphically how his trunk had been opened and the militiamen had entered it, while he was just shortly away, and some \$300 taken from a little box that he and his wife had placed it in just before and locked the trunk. Maj. Lee told me yesterday that he investigated the case and there is no doubt the man was robbed. That is what Maj. Lee told me yesterday.

Chairman WALSH. Who is that?

Prof. BREWSTER. Or Col. Lee, I think he is.

Chairman WALSH. What is he colonel of?

Prof. BREWSTER. He is a colonel in the State militia—National Guard. He said there is no doubt but that the man was robbed. He said he investigated the case, but could not find out who robbed him. I just want to call your attention, as I wish to show you the difference between the methods employed at some camps—

Chairman WALSH. On what particular point; what was the evidence from the inquiry that he was robbed by a militiaman?

Prof. BREWSTER. There was a militiaman seen to go in there. This man was told about it when he returned just a short time afterwards.

Chairman WALSH. Without going into the details, what other instances of robberies were there?

Prof. BREWSTER. Why, they are all reported here in this printed report. You can get it.

Chairman WALSH. Very good.

Prof. BREWSTER. When I went into it—there was a book of 760 pages of testimony at the time—each matter was investigated and we did what we could to examine witnesses carefully. There appeared to have been no collusion or preparation between these witnesses, because some came in just unexpectedly and suddenly. I practiced law 17 years and have been accustomed to investigating matters, and in no instance that we have noticed there was there any indication that there was a preparation of testimony or falsification of facts. I believe there was one case—I can not now recall it—somewhere, either during the congressional investigation or during this investigation that I was satisfied had been made up, and it is barely possible, of course, human nature being what it is, that some of these were fabrications. But in speaking to Capt. Van Cise of the way, the method he used in searching the southern camps—Capt. Van Cise was at Ludlow with Company K—he said he had taken particular pains always when he ordered a search to have not only the searchee—that is, the person whose trunk was being searched—present, but, if possible, two members of the National Guard present, so that there could be no question as to what was done. The practice at Segundo, as in other places, as the coal operators' friends will admit, was to drive the people out of the room, and one man generally examined these poor Italian and Slavic people's trunks and took what he could find.

Chairman WALSH. You mean took for his own use, appropriated for his own use?

Prof. BREWSTER. He certainly did not turn it over to Gen. Chase, Capt. Lieut. Col. or Maj. Boughton, or Smith, or any of the officers—I do not know any one, to my knowledge, who charges these men with stealing. No one has ever charged the reputable members of the militia with stealing, but that the disreputable fellows, like the Canterbury brothers, and like plenty of others—Judge Northcutt could perhaps tell you about them and Mr. Weitzel knows some of them, probably—they will tell you that there were scoundrels there who were perfectly capable of robbery. My judgment is that they were acting as officials, and that as they were acting as officials of the State the State owes it to those people, that money, and it ought to be paid back sometime. We had, during the congressional investigation, these cases and other new cases, and the committee did not care to hear any more for this reason, that the scope of their inquiry was such that they did not consider that it came within their purview to examine in detail the minor offenses of robbery. They were looking for other things, the violations of Federal law, etc.

Chairman WALSH. One minute. What about this man in the undertaking establishment of the C. F. & I. Co., an employee, who was a stockholder, that you referred to awhile ago?

Prof. BREWSTER. That is testimony that was given somewhere before the congressional committee. I don't say he was then. He had been at some time.

Chairman WALSH. Do you recall his name?

Prof. BREWSTER. Mr. Weitzel will remember, and he can give it to you. He will recall the circumstances.

Chairman WALSH. Do you recall the name of that stockholder?

Prof. BREWSTER. No. It was admitted that at some time that man had been connected—

Mr. WEITZEL. He hadn't been with them for eight years.

Chairman WALSH. Please let us have no interruption. I have asked you a question.

Prof. BREWSTER. I know that testimony, 3,000 pages, pretty well, but I can not remember that name.

Chairman WALSH. It, then, will appear in the testimony in this brief of facts you have given us?

Prof. BREWSTER. No; I think not. I don't think it appears in our brief.

Chairman WALSH. Well, then, we will pass that.

Prof. BREWSTER. It was just a minor incident; I never took much stock in that. The fact was shown, however, that some member of either the Victor-

American or the C. F. I. had been a stockholder of a rival corporation. As I say, I personally never took very much stock in that, as a motive for searching, myself. I remember perfectly everything that was said, but I don't remember the name, and don't care who he was; I merely mentioned that as one of the allegations of a probable cause. As I stated, also, I do not take any account—

Chairman WALSH. Well, we will leave that subject, then. Proceed where I interrupted you.

Prof. BREWSTER. Now, there were many cases of minor robberies of different kinds. I don't remember the names; I have got the testimony here.

Chairman WALSH. Does that brief of yours in regard to this testimony give the names?

Prof. BREWSTER. The names are not all given, but, by the way, the testimony was all accessible to anyone who cared to look at it. It contained 761 pages, and, as it is stated in here, anyone who wishes to look at that testimony, and is of good standing, can look at it at any time. The names are all there stated. We stated some names, but we did not attempt in making our report to the governor to give the names, because we handed him this typewritten testimony with our report.

Chairman WALSH. Where is the record of the evidence?

Prof. BREWSTER. Here is a copy of it. I can turn to anything you care to hear.

Chairman WALSH. No; please hand it up.

Prof. BREWSTER. I haven't tried to carry all of this in my mind. There have been some important things I merely carry. Also I want to say this, that there are 760 pages of testimony given by over 163 witnesses, taken stenographically. Each one I watched carefully, and conscientiously examined, and I can't now recall any single bit of testimony that did not impress me with its truth, after seeing the witness on the stand. For instance, there were little instances that happened that carry conviction either one way or the other as to perjury, lying, or the truth on the other hand. This man Brugato described how he came in and how his wife and himself found their trunk broken open and the \$300 taken. He says, "She fall down dead." And I said, "Why, dead?" "Yes, dead. She fell down dead." He meant she was so shocked she fainted, which we drew out afterwards. He told, gave a graphic description, of the way that he put the money in there. They had \$310, as I now recall it, and they took \$10 out for spending purposes and locked the rest in the trunk, and had been away but a short time when the neighbors told that these militiamen had entered the house and broken open their trunk. There was—I saw Col. Lee, and he said "There is no doubt the man was robbed," but he says he did not know who did it.

Now, there was a little incident of a man that was robbed of \$55. One detail of this just comes to my mind. This was rather interesting. I forget the details—the man's name. It is in here somewhere, of course, and I can find it if necessary. He said that he went to Gen. Chase and spoke to him that very afternoon, and Gen. Chase took out his notebook and made a note of the circumstances, and if we had ever had an opportunity of cross-examining Gen. Chase, which he never gave us an opportunity to do, because he avoided testifying before the congressional committee, it was my purpose to bring out a number of these points and ask him what he did in that particular case to investigate, because he assured us and other officers have assured us that they investigated.

But when I find out how they investigate—and I will speak of that presently in a perfectly convincing and satisfactory way—I shall show you how they investigate, how incomplete some of their investigations are. I wanted to get at the method of the details of his investigation, because when the Rev. Randolph Cook went to Gen. Chase early in the period while the militia was down there, and protested against certain things, he was charged with—

Chairman WALSH. I think that is in this record here.

Prof. BREWSTER. Yes.

Chairman WALSH. "Attempting to besmirch?"

Prof. BREWSTER. "Besmirching" him. That is the word, besmirching the uniform of a soldier, because he made the charge that a militiaman had abused young girls in Trinidad, and he wanted the matter looked into. Gen. Chase said that he was besmirching the uniform of the soldier. And the trouble with Gen. Chase was, and unquestionably, as I discovered, military megalomania. He thinks he is a soldier and he thinks that they were there on a soldierly duty instead of police duty, and he thinks that there was war when

there was no war, but riots. He thinks all these things, and he can't help it, because he is built that way. He meant it. He meant it all. He honestly thought—Gen. Chase honestly thinks that he is a soldier.

Chairman WALSH. We must have perfect order, ladies and gentlemen.

Prof. BREWSTER. He is unquestionably honest in that belief. But ask some of his captains, they will tell you the truth—ask them. We asked in here, by the way, as a final conclusion for the removal of Gen. Chase, Maj. Boughton, Maj. Townsend, and Lieut. Linderfelt. And when I told a captain of the militia that those were the men we had asked for the removal of, this captain of the militia told me, "You have got the right bunch." I don't think he will deny it. He is a man of standing, and I do not believe that he will deny it. I presume I ought not to mention his name until I get his permission. I have not been able to see him since he told me that. But that is what he told me. Another captain of the militia told me, one that there is no question about, of the incompetency of some of the higher officers. It is no reflection upon their moral character. If I hire a locomotive engineer, if I am going to hire a man as a locomotive engineer, and he is color blind, it is no reflection upon his moral character for me to say that I won't accept him because he is color blind. If I hire a man as adjutant general and he is blind to the plainest constitutional privileges, and he is prejudiced against all working people, and especially union men, it is no reflection upon his moral character to say he is not fitted to be an adjutant general, the commander of an armed force. When I speak of Linderfelt I don't hesitate to say that his moral character is bad, and that he is such a brute, as officer after officer will tell you, that he is totally unfit to be in the company of anyone.

Now, I will take up Linderfelt. Linderfelt managed the machine gun before he went into the militia at Berwind. This is K. E. Linderfelt. K. E. Linderfelt has two brothers who are quite reputable; don't confuse them. A captain of the militia told me yesterday that Linderfelt was known to be a brute, this Linderfelt we are speaking of. But he was whitewashed by a court-martial. Linderfelt was manager of the machine gun at Berwind before he went into the militia. He went into the militia, and he made threat after threat against the Ludlow tent colonists, and especially against Louis Tikas, the leader of the Greeks. Louis Tikas was a graduate of the University of Athens, was a peacefully disposed man, was a power for good, as Capt. Van Cise will tell you, and has told me—says he will tell it anywhere—he was a power for good. But Linderfelt, with his mine-guard experience, knew that it was his business to make trouble. Men of Company K, the so-called "student company," if they will tell you the truth, will tell you they had heard Linderfelt make threats against the Ludlow tent colonists and against Louis Tikas.

On December 31 I was at Ludlow. There was a search for arms going on, because one negro in a domestic broil or some turmoil had shot another the day before. Tikas had walked up to this man, unarmed, as Tikas generally was, had arrested him, and surrendered him to Van Cise as the nearest officer to whom he could surrender him. He had surrendered him to Capt. Van Cise. They made a search on December 31. Company K and, I think, another infantry company searched the camp, and the Ludlow tent colony was surrounded by cavalry. At short intervals the horses were placed. The railroad track slightly rises there above the tent colony. Linderfelt was there with the machine gun, and Linderfelt's evident glee in showing me and another how that machine gun could sweep that whole tent colony was in itself, under the circumstances, a mark and evidence of brutality. He seemed to rejoice in the handling of that instrument of death. I watched him there. I saw that morning a small Greek boy that Linderfelt had abused the night before, and whose head was split open, a Greek boy, a small fellow, who could not speak English, who had a ticket from Ludlow to Trinidad, and who had been attacked in the station at Ludlow as he was about to take the train—attacked by Linderfelt. Then witnesses testified to those facts, among them people who were in no way connected with the colony. Mrs. Holleran and others heard this racket and knew the boy was beaten. That same evening, December 30, Linderfelt seized Tikas by the throat, and one of Linderfelt's own men separated them before Linderfelt could do some serious damage to Tikas.

Chairman WALSH. What date was that?

Prof. BREWSTER. December 30. Tikas is the man that Linderfelt afterwards admitted he broke his Springfield—the butt of his Springfield rifle over his head when he was a prisoner, spoiling, as Linderfelt said, a damn good rifle—something like that—over the head of Tikas.

Now, I will say this much: Linderfelt's justification for that beating of the Greek boy and the seizure, or the apparent justification—his excuse for the seizure of Tikas was that that evening one of his men had tripped on a barbed-wire fence. We investigated the matter very carefully early the next morning, and the facts were that the wire had not been stretched across the road, as Linderfelt asserts, not the slightest evidence of it, but the man himself had driven slightly off of the road. You know the prairies, how they are; you can drive all over; and he had driven his horse against the wire hanging down, and that had tripped him. But Linderfelt, with the usual method of many of our militiamen, had beaten up and punished before he had investigated.

Well, the next day they searched, and Linderfelt had his machine gun trained upon the tent colony. There was a school-teacher, a young lady from Missouri, there, who was going to the post office with a young fellow by the name of Bryan Orff. They were sent back; they were walking on the track; they had nothing to do with the union; they were going from above the tent colony to the post office. They were sent back with abusive language by one of the militiamen stationed near the track. This was while the search was going on.

Another militiaman heard it, and thought that the treatment they had received was unworthy, was not proper. So he asked Orff to go with him to Linderfelt, and he would have it fixed up. They went to Linderfelt where the man was with the machine gun. And Linderfelt swore at this fellow, and said to this young boy who was brought down, said that the man would have done right if he had split your head open; that he had been right if he had knocked you with his rifle. He said, "I am Jesus Christ, and my men on horses are Jesus Christs, and we have got to be obeyed." I was a short distance away. I did not hear those words myself, but another member of our committee heard them, and he immediately reported them to me. I said, "This is going too far, after all we know about Linderfelt. And we will send a telegram to the governor at once." I drafted a telegram to the governor, saying that we did not intend to report to him until later, but we asked him for the immediate suspension of Linderfelt. I thought it right to do that, because I foresaw that Linderfelt's retention in the militia, with the spirit which he then showed, would surely lead to bloodshed.

In my judgment, gentlemen, and I speak most solemnly, it was the fact that Linderfelt, on that terrible April 20, took that same machine gun to Water Tank Hill overlooking Ludlow that caused the so-called Ludlow massacre, and that caused that feeling that led to all those horrible subsequent events. And I want to say this, that Americans who have been down there and found out some of these things, have said that it is not the Greeks that are so bad, or anything of that kind, but that if they had been Americans they are not wholly to blame; that if they had been Americans they would have done a good deal worse.

You have taken hearsay, much that is hearsay, and while that is hearsay, that is what has been told. I am not attempting to justify what happened after Ludlow, but I say this, that it is perfectly explicable; it is as easily understood as any fact of history can be understood. If a small stamp tax on tea justified the Boston Tea Party—and we glory in it, some of us, as an act of violence and destruction of property that was well warranted—some things that happened before—the week following the Ludlow, I mean—almost justify the acts of destruction that occurred.

We asked for the removal of Linderfelt. The governor paid no attention to it. On January 20, when we met the governor again, we went over the matter in detail with the governor and urged him then, and that was long before, curiously, April 20—January 20, February, March, April—three months before Ludlow, and if on January 20, when we had asked for the removal of Linderfelt, he had then been removed, "Ludlow" would not have occurred.

It was Linderfelt with the machine gun on Water Tank Hill—they called it the "baby"; Maj. Hamrock telephoned to Linderfelt to bring the "baby" with him—the baby was the machine gun—that was what caused "Ludlow."

Now, there is Linderfelt, and is he a brute or is he not? As the captain told me yesterday, the captain of the militia, that he was a brute, is that captain wrong, and am I wrong? Is he one of our "noble boys" that these people talk about in the militia that we must not insult? I say, and I say it with all the deliberation that is possible and with every sense of responsibility, that if we continue to have such men in our militia this State will never thrive, this State will never prosper, and there never will be peace. And yet Linderfelt was tried after Ludlow, and after all these things are shown, how there at Ludlow he committed the act of breaking the stock of his Springfield rifle over the head

of a prisoner, and they say it was conduct, I suppose, "unworthy of a gentleman," but there were "exonerating circumstances," and they let him off, and he will probably be promoted, and that is our National Guard. Now, is that right, gentlemen, or is it wrong? Is my language too emphatic? So much for Linderfelt. I won't say what happened to Linderfelt up here while he was here; that is a matter of police court record. That may be true or may not be; I won't speak of that; you can find it out elsewhere.

Commissioner WEINSTOCK. Does that have any relation to the strike?

Prof. BREWSTER. It has a relation to the strike as showing Linderfelt's character, that is all, while he was up here awaiting the court-martial. It is simply another matter going to illustrate the character of the man; that is about all.

Commissioner WEINSTOCK. If that has any relation to the strike, I would like to hear it.

Prof. BREWSTER. Well, the only bearing it has is upon the character of some of our militiamen. I do not know personally of the story. I have heard it on good authority.

Chairman WALSH. Is that a matter of court record?

Prof. BREWSTER. I think it got into the court. The reporters can tell you.

Chairman WALSH. We will go elsewhere, then.

Prof. BREWSTER. It is just what you might expect from such a man, perhaps.

Chairman WALSH. Let us not speak about it unless we have specific facts.

Prof. BREWSTER. No; it is not necessary.

Chairman WALSH. Unless you can do that, proceed to something else.

Prof. BREWSTER. Now, there is a difference of opinion—of course, no difference of opinion exists about robberies. Lieut. Gen. Boughton and Gen. Chase, and all the rest of the upper-class militiamen will agree that there is no question about robberies. They are all wrong. They have court-martialed a great many men and found a great many guilty. Capt. Frost tells me so. There is no question about that. There is a difference of opinion, however, about these things, these other things that are based on constitutional privileges. That is a matter that could only be gone into properly if a man made a long, extended legal argument upon constitutional rights and upon the celebrated Moyer decision. In my judgment, the Moyer decision, I submit, after some consideration of that and other decisions upon military matters, does not justify many of the violations of the Constitution which it has been thought to authorize. The case was a peculiar one. It was contrary to the weight of authority at the time it was made, in 1905. There have been lawyers who have criticized it over and over again. But even admitting that it authorizes some unconstitutional acts, it does not authorize a great many that have been done. There is nothing, for instance, in it to warrant unlawful searches and certain seizures. There is great difference in the circumstances of that case and this. I will just mention that there is a declaration there of "insurrection and rebellion" by Gov. Peabody. Gov. Ammons has not declared the southern counties to be in insurrection or rebellion, so far as I can find out. I may be mistaken about that; I have not seen it anywhere in his declarations.

There is another important consideration there to be borne in mind as bearing on the authority of the militia. Gen. Chase has created a "military district of Colorado." The "military district of Colorado" is coterminous with the State of Colorado. The military district of Colorado is not confined, in Gen. Chase's judgment, to Lan Animas, Huerfano, and Fremont Counties, where there might be riots; but he claims the right to arrest anyone at any place in the State at any time. He has done it in one instance, at least; gone out of those counties and arrested persons without charge. The same warrant which he has for arresting them outside of those particular riotous counties would justify him in coming to Boulder and arresting the president of the university if it was his arbitrary will to do so. He can do anything he wishes, under his view of military dictatorship. If American constitutional government is to live, then that can not live with it. There is no question about it. I do not speak as a lawyer; I speak simply as a citizen. It is too manifest for anything. That he did establish this military district, and that it extended beyond those riotous counties is the boast of his friends.

For instance, in the Chronicle-News, owned and edited by my friend Judge Northcutt, there is a statement that one man is arrested—I have it here—that this is now an illustration of Gen. Chase's theory that he has and justifies a power to arrest anywhere in the State. He has done it in this case, and this shows what he can do.

On November 15, shortly after the militia entered the field, Gen. Chase issued an order which he served upon all the civil authorities—upon the Las Animas and possibly on the Huerfano County authorities, I don't know about that, but certainly upon those of Las Animas County. You will find it in the exhibits, Exhibit No. 71 in the congressional investigation, in which he says that the arrest and the trial and the disposition of the cases shall be under the orders of the military, and no other, until further notice. At that time the courts were in session.

Now, they never really tried a man and executed him or imprisoned him, I think, who was not a military man, tried by court-martial, under that order; but it shows what they thought and what they intended they could do. They did not do what they did in West Virginia; they did not try people and send them to jail by a military commission. They did not do that. I really think that Lieut. Col. Boughton is too good a lawyer to have allowed that to be done; but they did other things almost as bad. They threatened to arrest the district attorney. Lieut. Col. Boughton, in addressing the court in one habeus corpus case, said to the court, "It is a matter of indifference to Gen. Chase whether men arrested and held by him are guilty or innocent of crime." Think of that, gentlemen, in a constitutional government. "It is a matter of indifference to Gen. Chase whether men arrested and held by him are guilty or innocent of crime." The arbitrary will of a man set up in a peaceful community above the constitution, above the law, above everything, where we have the ordinary American privilege of trial by jury, and where we have the general rule that you must know the law beforehand, that it must not be confined secretly in a man's head, issued when he says it shall come out, but where everyone must know what the law is before he can be held to it—"the general laws," the fundamental, old principle of the Anglo-American law. There, if you want the relation of the civil to the military authorities, there you have it. There is no room for argument.

The arrest of Mother Jones without warrant, without any suspicion of crime, was one of the greatest outrages upon civilized American jurisprudence that has been perpetrated. The excuse given was at one time by Gen. Chase that she was going to the tent colonies to keep the union men in the tent colonies. Is that a crime? Then, I am guilty of a crime, because at Ludlow, after finding that men were there of their own free will, by talking with them in groups and singly I advised them to stand by the union; and every man who has looked into the conditions in the south will advise them to stand by the union; every man will who has looked into it fairly and impartially. It is their only hope from serfdom. She advised them, so Gen. Chase said, or she was going to advise them to stand by the union and stay in the camps; and that is her crime. Afterwards that was slightly modified, and it is said that she made, as Gen. Chase said in his report to the governor, profane and vulgar speeches, of which he has verbatim copies. Now, his stenographer introduced a copy before the congressional committee which is probably—and we have a right to assume it is—the worst copy they could find of her speech, because they certainly would introduce the worst they could find. I find it here among the exhibits, and I will respectfully submit that any man who can read it and say that it is capable of the characterization that Gen. Chase gives her speeches in his general report to the governor must be crazy.

Commissioner WEINSTOCK. What is the name of the witness?

Prof. BREWSTER. The name of the witness who introduced that is McDonald. I will give you, if you wish, a reference. I have an index here which I spent five weeks in preparing. Mother Jones's speech is referred to in our briefs, by the way.

Commissioner WEINSTOCK. R. J. McDonald?

Prof. BREWSTER. Yes, sir. The speech is published in full. There was an interesting thing about that that I never quite understood, but I think it was explained in some way. The speech was a carbon copy. It was all in one carbon until you came to a certain part that is a little worse than the other parts. In that she says what they did in West Virginia, and that is of a different type. I don't say that it was inserted. If I were arguing a case before a jury, I could have made a very strong point and have convinced the jury pretty well that that was not in the original speech, or at least that there had been some modification of it. But however that may be, the worst part is on that page, and there she speaks of the fact that when they found in West Virginia that they were getting no protection whatever from any of the authorities they exercised their constitutional privilege of buying arms, and they bought up the arms

that they could find in Charleston. That is the worst thing there is in the speech. I think you will find that so. And that is what any person ought to do in self-protection, of course. If I find that I am not being protected in my home, I propose to buy arms and protect myself under my constitutional privilege; and I think every other American citizen will do the same. Her speech is offered in evidence on page 1911 of the record, and among the exhibits it will be found printed in full on page 1872. I think you will find it there in full. No; I am mistaken. It is referred to, I see, in several different places. It may be page 2066, I think, that the speech is published in full.

Commissioner WEINSTOCK. No.

Prof. BREWSTER. Well, I have not looked at it for some time. I can find it readily for you. I will find it now. I find a copy of my testimony here. What I say is that it is probably the worst that they could find of hers, that they had verbatim reports of the rest, and I submit there is nothing very bad in the whole speech. The speech is offered at page 1911.

Commissioner WEINSTOCK. It refers here to Exhibit 105, but it does not give the speech.

Prof. BREWSTER. Exhibit 105, speech of Mother Jones, page 2066.

Commissioner WEINSTOCK. No.

Prof. BREWSTER. May I look at that a moment?

Commissioner WEINSTOCK. Yes; come right around here.

Prof. BREWSTER. Well, it must be a typewriter's error. Of course, the exhibits are in the last volume. Now, I will find it in just a moment. There it is, "Address of Mother Jones, delivered before the convention in Trinidad, Colo., on Tuesday, the 16th day of September, A. D. 1913," page 2630. They got the figures wrong here, you see.

I am reminded here, in looking at this index, of another interesting violation of constitutional rights, that it is not necessary to dwell much on, and it is the deprivation of the delivery of mail to the prisoners. Registered letters sent to Mother Jones, at San Rafael Hospital, were not given to her. We carefully looked into the matter of law and there is no warrant for any military authority to refuse to deliver mail to prisoners. Much other mail was not delivered to other prisoners—and things of that sort.

Among the interesting arrests made were some of women; for instance, during the parade in Trinidad. There was a parade. They arrested there Mrs. Thomas and kept her 11 days in jail at Trinidad, and she had to send for her little children to live there in jail with her. There was no charge against her, except that when a soldier was pushing her—I think the militiaman was pushing her on the streets of Trinidad—I believe she hit him with her muff or something of that sort. The evidence was all recorded in the congressional investigation.

Then there was the arrest of Stromberg—a business man of 20 years' standing in Trinidad. He was standing in his shop on a Saturday evening, and the street was crowded, and he was arrested. To be sure, he was only detained a few hours.

There was arrest after arrest down there, of course. The merchants of Trinidad will tell you all about them, if they will speak their minds out, of course. You must understand, gentlemen, that a great many people in Las Animas and Huerfano Counties dare not, or have not dared at least—they may after a while dare—to speak their minds out. I saw one man who begged me not to have him subpoenaed as a witness. He knew things, but he could not tell, it would hurt him in his business. They stand, many of them—I mean many otherwise intelligent and brave people—stand in fear of what may happen to them in a business and social way if they say a word against the—what they call "the company." Of course there are large masses of people who would be afraid of anything, and there is a large population there which is so given to drink and so unfortunately afflicted with venereal disease (I am told by a man that lives there and has lived there a long while), that their minds are seriously affected, and they stand, of course, in constant mortal fear of the higher authorities.

Commissioner WEINSTOCK. Where is that?

Prof. BREWSTER. In those two lower counties. It is a curious thing that there are people there of 25 years' residence, who can hardly speak English. They do not call themselves Mexicans. They want to be called, I think, just Americans; that is, they consider themselves a sort of native American, but they are of Mexican antecedents. They have schools there, but many of them can not speak English. Some of those people are on the various juries that

try cases in which working men may be involved, and obviously it takes but very little influence—a glance from a deputy sheriff in a court room toward the jury—a prearranged signal—fixes that jury.

There was some doubt in the minds of the congressional committee as to whether these stories, half of them, were true; and as a matter of fact, Congressman Keating tells me he can not get people in Washington to believe half of the stories of political conditions in these counties, because they seem so incredible. There was some doubt in the minds of the congressional committee as to the situation down there, so we looked up the record of one particular trial, and it is worth while illustrating to you—I am speaking somewhat off-handed without any preparation, but I think I have the names and dates right; it is worth while to illustrate that case. There was a deputy sheriff there under Jeff Farr, in Walsenburg, by the name of Miller. On January 4, by the way, while Mother Jones was being deported—this is a slight digression, I was there at Walsenburg, and I arrived just after Miller, a tall, stalwart man, with many notches in his gun, I am told, to indicate the people he had killed, but I did not see his gun with the notches. I arrived at the corner where Miller had just knocked into the gutter a small union boy, and I thought I would follow Miller and ask him why he had attacked that small union boy; that is, I say smaller—17 or 18 years old and a small lad, and this Miller was a tall fellow. And I told one of the committee who was there with me that I was going to speak to Miller about it. "Why," they said, "don't do it; he will shoot you up to night as sure as can be," and I thought that was a safe thing to avoid and I did not speak to him. But I followed him, and he carries a gun, as everyone will tell you that knows him, this way [indicating], always with his hand in his pocket and the gun sticking out this way [indicating]. I saw it myself, following him. He does not carry it in here openly or in his belt as any other man would, but carries it this way [indicating]. Miller attacked a man by the name of Ball, and broke his jaw. Ball was not very big, and Miller was a big man; he broke Ball's jaw, and he was tried just before the congressional committee sat. Miller was a deputy sheriff, and he was tried in the court and before a jury of 12 men, with 7 or 8 other deputy sheriffs, friends of Miller's and a brother of a city assessor or city treasurer, I forget which, but in Chief Farr's particular circle, and, of course, Miller was acquitted. We did not try the case over again, but I found some interesting testimony, and they had a particular militiaman by the name of Shelton, who testified that this small boy Ball had been the aggressor in a fight and had attacked Miller and that Miller had broken his jaw in self-defense. But a Mr. Crier, a reputable business man down there, told the congressional committee that he saw the whole thing and that Miller attacked Ball without apparent provocation and hit him until he broke his jaw; and Miller was acquitted by a jury composed largely of deputy sheriffs. That is the kind of justice that they administer in what is called the "Kingdom of Jeff Farr," in Huerfano County. Jeff Farr is a good fellow to meet, a stout fellow, and a pleasant chap. Farr runs a wholesale liquor business, and liquor men who do not buy of Jeff Farr often find their houses closed as disorderly places—and so it goes.

Now, if you want something as to the political conditions, you will get nothing better than the addresses of Judge McHendry and Judge Northcutt. Judge McHendry is the present district judge; Judge Northcutt is the present general attorney for the coal operators' combination, and in the campaign of 1912 spoke at Lamar. We have verbatim copies of their speeches, the authenticity of which has never been denied, and there they give the grave condition of the political situation. We quote them in our brief and it is not necessary to quote them now, and I suppose, of course. Judge Northcutt will not deny that he made the speech, and that the conditions were such as he said they were. He said, for instance, among other things, in speaking of the way the slate is made; he said, "You know how it is, so and so, five men get together and they say, 'Let us put up so and so for county clerk.' 'Oh, no,' says another, 'he may have had some trouble with some pit boss and we don't want to put him up.'" And he says, "So, gentlemen—when speaking to the voters—that is the way it goes. A man is not chosen for his ability or for his integrity, but is he satisfactory to the companies?" That is Judge Northcutt's speech, and he won't deny it; he will tell you about all that. And Judge McHendry says this: That a few men in Denver get together, and with Cass Herrington, who is known to be the political agent—I have not his exact words; Judge Northcutt's description was so graphic, and I was so closely connected with him, that his words carried

more weight. Judge McHendry I do not know personally and I do not know his exact words, but they are quoted in our brief. It is a matter, gentlemen, of common historical knowledge, common knowledge in Colorado, everyone admits it, everyone knows it. How it can be said that the coal companies have not exercised political domination in Huerfano and Las Animas Counties—how that can be said—is one of the amazing things in this amazing strife. How Mr. Welborn can for a moment have persuaded himself to believe that, among other things that he says, is more than I can understand. If Mr. Welborn believes, as I believe he does to a great extent, if Mr. Welborn believes a small part of what he says is true, he is the most unsophisticated business man I have ever met in my life.

Now, this is much hearsay. You have taken hearsay. You should go, if you have the time, over the ground yourselves. You should see, as I saw, the miners, and I don't believe—I was told by my friends the miners of the south have no grievances, and I thought probably they were right, so when I was down on the military commission I thought I would talk with the miners, and I sneaked away from my union friends time and again and talked with the miners. They were not under the domination of any agitator, because—while I am an agitator and propose to be one the rest of my life, agitating for truth and justice, I was not that kind of an agitator with these particular men; that is, I was not influencing these men at all, because I was not especially predisposed at that time toward the union—I was not asking them; that is, not in a persuasive way, but I went up to one fellow at Segundo, I remember, while they were having a union meeting upstairs, and he was a nice-looking fellow that looked to me to be an Austrian, a handsome young fellow, and I supposed he was disgruntled—a disgruntled, compulsory member of the union, so to speak, because he was not attending the union meeting upstairs, so I thought, now, I will have a chance to show my friend Lawson how unions dominate and terrorize these men, and I went up to him and spoke to him about the weather, and he said the weather was "all they had," and I asked him why he was not upstairs, and he said, "I don't want to go upstairs; I have heard all that before." I said, "You don't care for the union, do you?" he said, "Care for the union? What can we do without the union? We want our freedom, and we can not have it without the union." "Well," I said, "how do you mean?" He said, "We can not ask for anything without the union backs us." I said, "What do you want to ask for?" He said—and that is the first time I had heard especially of short weights; this was before the congressional investigation when I was called into it—he said, "I want my weights right." I said, "What do you mean?" He said, "I get my coal out and I don't get my right weights." I said, "Tell me about it in particular." He says, "How would you like to have a car weighing 3,800 or 4,000 and get only 3,000 or 3,200 for it?" I said, "Does that happen?" He said, "It happens all the time." Now, I didn't believe it. I didn't believe it, but when I found—I honestly didn't believe it; when I found that man after man, and not a poor Slav or a poor Greek or some man they say you can not believe; but when I found that these Englishmen and Scotchmen and men with names as good as any of our names, told us time after time that there were short weights—that they knew it was short weight, and they told us how they knew it was short weight—a coal miner measures by his arm and knows the size of his car and the amount of tonnage there should be in it—and it was "short weight all the time," one man said. Specific instances were given of short weight—I was compelled to believe they had that grievance at least among the southern miners. I do not charge now, and never have, that the operators were deliberately—I mean men like Osgood and Welborn and Brown—deliberately directing there should be short weights, but I charge the pit boss, and in some cases the superintendent, with short weighting the men, in order to make a record for his mine, and it is too evident and too clear for any contradiction.

Commissioner WEINSTOCK. Will you permit a digression at this point, Professor?

Prof. BREWSTER. Yes; I ought to stop. I could go on for weeks.

Commissioner WEINSTOCK. May I ask a question on a somewhat different line?

Prof. BREWSTER. Yes, sir.

Commissioner WEINSTOCK. Referring to the address of Mother Jones, delivered to a convention in Trinidad, Colo., on Tuesday, the 16th day of September, A. D. 1913, you characterized it as containing nothing that would incite unlawful action.

Prof. BREWSTER. I thought so when I read it. Of course, opinions may differ.

Commissioner WEINSTOCK. What do you say as to this language used by her on that occasion: "The time is ripe for you to stand together, men, and make the operators come through, and if you don't, who, by the eternal God, will? This thing of standing slavery in this country is going to end, I want to tell you, my friends; and if you men are too cowardly, there are enough women in this country to come in and beat the hell out of you." And again: "I called a committee and I said, 'Here, take this document into the governor's office and present it to him. Now, don't get on your knees; you don't need to get on your knees. We have got no kings in America. Stand on both your feet, with your head erect' said I,"—

Prof. BREWSTER (interrupting). May I interrupt? That is in respect to the governor of West Virginia?

Commissioner WEINSTOCK. Yes. "'And present that document to the governor' and they said, 'Will we wait?' and I said, 'No; don't wait and don't say your honor,' said I, because very few of those fellows have any honor and don't know what it is.

"When we adjourned the meeting and saw we were not going to get any help, I said, 'We will protect ourselves and buy every gun in Charleston.' There was not a gun left in Charleston, and we did it openly, no underhand business about it, for I don't believe in at all. We simply got our guns and ammunition and walked down to the camps and the fight began."

Prof. BREWSTER. Taken from the whole speech extracts of that kind—and that was on that peculiar page that was typewritten a little differently from the others—such clauses are susceptible of being criticized as somewhat incendiary and disrespectful, but I maintain it is a proper practice to take the whole speech together. Now, the worst part of that is the buying of arms and the suggestion that they should buy arms, but you notice that she puts that in connection with the facts that when they found they were not going to get protection in any way they bought arms and then she says the fight began. Now, I take it, and that is the way I read it, that it was not necessarily a fight with the arms but a prolonged contest for protection. That is the worst thing in that speech. If you will read the whole speech, and I trust you all will, you will see how she deplores anything in the nature of a contest if it can possibly be avoided. Now, for my part, so far as she speaks disrespectfully of others, that is wrong in a way, and yet when she says, "Don't say your honor, because very few of them have any honor," while that is slightly an exaggeration, I nevertheless think it is quite true of very many, not only governors, but other politicians, who have taken high office and become influential. It seems to me that that is not such an awfully bad thing. I say opinions will differ; tastes will differ. I should, under the provocation they had in West Virginia, and I think I should if I had been a miner, under the provocations I have learned of in southern Colorado and been told of on what seems to me the most reliable authority, by sober-minded men, I should have done worse things than some of the miners have done. I should have said worse things than Mother Jones said, myself.

The time has come, there is no question about it, when something has got to be done. I prefer peaceful methods. We have got to have peaceful methods. But when the operators obstinately reject a simple request for a conference without knowing what that conference might lead to, when they will not sit in the same room with McLennan, Doyle, Hayes, and Lawson, who are every whit as good men as they are or as any of us, when they reject the urgent appeals of the governor, then it is time that Mother Jones or someone else did say something pretty decided has got to be done.

You asked, Mr. Commissioner, this morning a question of Mr. Welborn, and this illustrates one of the fundamental troubles in the whole business. I think it was you, Mr. Weinstock, who asked Mr. Welborn, "We are anxious to discuss collective bargaining," etc., and asked him for his opinion as a citizen, and Mr. Welborn says, "I can not forget my own enterprise." And that is the trouble. Mr. Welborn is the type of the man who puts what he calls his business before his citizenship, before society's rights, before his men's rights, and before any rights. He said on the congressional investigation, when he was asked on cross-examination: "Do you not think that society has some rights in this—that is, your business?" He says, "I am very sure it is my business, and I am going to manage my business in my own way." And see what he has done. He has managed his business in his way, and it has brought disgrace upon a great State and upon a Nation. Now, that is plain

language; that is like Mother Jones's language; and make treason of it if you will. There it stands, and I stand by it.

Chairman WALSH. At this point we will take an adjournment until 10 o'clock to-morrow morning.

Prof. BREWSTER. Not through with me?

Chairman WALSH. No; please resume the stand at 10 o'clock.

(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned until the following morning, Tuesday, December 8, 1914, at 10 o'clock.)

DENVER, COLO., *Tuesday, December 8, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Weinstock, and Harriman.

Chairman WALSH. The commission will please be in order.

Prof. Brewster, will you kindly resume the stand?

TESTIMONY OF PROF. JAMES H. BREWSTER—Continued.

Prof. BREWSTER. Mr. Chairman.

Chairman WALSH. Was there something you desired to say before any questions were asked?

Prof. BREWSTER. I wish to say this, to make a possible correction. I have not seen my testimony, but just a few minutes ago Col. Lee came to me and said I had misquoted him. I asked him in what particular. He said that I said that he told me that Brugato at Segundo was robbed, and that he investigated the case and was satisfied that he was robbed, and that he was robbed by a militiaman, but he did not know by whom. As far as I can recall, I said no such thing. If I did, it is a mistake.

Chairman WALSH. The record will show that you stated the Italian was robbed and colonel said he knew he was robbed, but not by whom.

Prof. BREWSTER. That is the only point.

Chairman WALSH. There was no charge made in the record that he was robbed by a militiaman. You may proceed. Commissioner Weinstock has a question to ask you.

Prof. BREWSTER. I wanted to have that correction made.

Chairman WALSH. The record is correct on that.

Prof. BREWSTER. I didn't say Lee said that he admitted he was robbed by a militiaman.

Chairman WALSH. No, sir.

Now, Commissioner Weinstock would like to ask a question.

Commissioner WEINSTOCK. Upon whose shoulders, Professor, do you place the responsibility for the alleged abuses on the part of the militia?

Prof. BREWSTER. There are two classes of abuses. There are what I call the vulgar abuses—such as robberies; those belong to the individuals who committed them. The greatest abuses, as many of us conceived them to be, of constitutional rights, I place upon the shoulders—place upon Adj't. Gen. Chase and his immediate advisers, the initial adviser being—the best informed man probably being—Lieut. Col. Boughton. He is a lawyer, and he was through the Cripple Creek matter to some extent, and I believe, though I am not—he has never told me—but I understand he is attorney for the mine owners' association, or has been recently—that is, the metalliferous mines, not the coal operators' association.

Commissioner WEINSTOCK. As the result of your investigation, about when did these alleged abuses on the part of the militia begin and about when did they end? How long a period of time did they cover?

Prof. BREWSTER. At different camps they began at different times. At some camps they never began. For instance, Company K, under Capt. Van Cise, while at least it was composed, made up, of fine young college fellows, never committed any of these robberies, nor as far as I know did Van Cise ever authorize any unconstitutional arrests, or anything of that kind, unless he did it under a command of his superior officers; and I have no evidence of that. At Segundo and Valdez, apparently very soon after the entry of the militia into the field there were these robberies and I can not place the first date; it was along within two weeks or so after the militia went into the field, that it would seem to be unwarranted arrests were made. How long they lasted I can

not now remember, but it is admitted that certain classes of arrests were made under the plea of military necessity and kept up continually for some time.

Commissioner WEINSTOCK. Well, the militia was called out some time around October 7, were they not?

Prof. BREWSTER. No; October 28, as I remember it now. The order was given October 27, I think, but I think it shows the governor said October 28.

Commissioner WEINSTOCK. I have here a chronology of the Colorado coal strike, under which it says: "October 7 to 9, disorders nears Ludlow; local militia in command and, under sheriff, moved to maintain order."

Prof. BREWSTER. That is in a sense another proposition. There was a local company, I forget the name, at Trinidad—I forget the number or letter. That was called out to assist in quelling the riots and trouble that had occurred by various shootings October 7 and 9 at Ludlow.

Commissioner WEINSTOCK. I see the National Guard had not yet been called out?

Prof. BREWSTER. Not the general National Guard.

Commissioner WEINSTOCK. Then, here under October 27 it reads: "Clash of guards and strikers at Forbe's tent colony; tents riddled; boy hurt by machine gun." Had the National Guard been called out then?

Prof. BREWSTER. Not the general militia.

Commissioner WEINSTOCK. The militia was called out about October 23?

Prof. BREWSTER. No; I think they went into the field October 28—October 26 to 29.

Commissioner WEINSTOCK. It reads: "Shooting near Ludlow; strikers alarmed over invasion of militia with armored train; October 26, Gov. Ammons called out all troops of the National Guard."

Prof. BREWSTER. He may have given the order then; I think they got to the field October 28.

Commissioner WEINSTOCK. As a result of your investigation how soon after October 26 did these abuses begin, that you speak of?

Prof. BREWSTER. Early in November there were some robberies at Segundo and Valdez, and I have to speak of that with great caution, about the dates at that time, as to the arrests, but I think they occurred soon after the militia went into the field.

Commissioner WEINSTOCK. And how long did these abuses continue or what day did they cease?

Prof. BREWSTER. Well, so far as certain classes of abuses are concerned, there was evidence during February, at the hearing of the congressional committee, of very recent robberies.

Commissioner WEINSTOCK. Let us forget, Professor, these individual cases.

Prof. BREWSTER. Well.

Commissioner WEINSTOCK. Let us simply deal with the cases where the authorities were responsible.

Prof. BREWSTER. Of course, that is better. The only charge that we make as to the others is a neglect to investigate promptly, and, as it seems, justly. The charges—the arrests—I don't know that I have the dates in mind, and I don't know that I have the dates at all of the precise arrests.

Commissioner WEINSTOCK. Well, just approximately. I am not particular about specific dates, I just want to know these three points in my mind—

Prof. BREWSTER (interrupting). Well, there were some going on in December—early in December. Whether there were any arrests in January and February of 1914, I can not now recall.

Commissioner WEINSTOCK. Was there a protest made by anybody—that is, by any body of reputable citizens to the governor of the State, or to the officer in command of the militia—any protest against these alleged unconstitutional things?

Prof. BREWSTER. Why, yes—

Commissioner WEINSTOCK (interrupting). How soon after they took place?

Prof. BREWSTER. I don't suppose a great many people will call union miners reputable citizens, of course; but they protested early in the stage. Mr. Doyle was arrested early in December, and his arrest was protested against by all his union friends; and, if I remember rightly, he was released upon a telephonic order by the governor—from the governor. He must have been arrested before the middle of December, because I remember of speaking in public of it, and of being ridiculed for protesting against his arrest. That was on December 16 that I spoke of that, and it was, perhaps, the week before that that he was arrested and jailed without the slightest pretext that he had

committed any crime, except the crime of being a union man or a union official.

Commissioner WEINSTOCK. Summing up, your view is that Gen. Chase and his immediate advisers are responsible for these abuses of constitutional rights?

Prof. BREWSTER. Yes. I should place the responsibility a little higher up were it not that Gov. Ammons, who would ultimately be responsible, was wrongly informed on a great many points; was not well; is almost blind; and I do not think he ought to be blamed entirely. The blame lies in the mental attitude of Gen. Chase, who believes that there is a war when there is a riot; and, of course, there is a great difference between a war and a riot. He believes that a riot suspends, as a war does, all law, and that he becomes absolutely dictator. He practically said so in our first interview. He told me so; and there is where we had our first little dispute, that in war all laws are suspended. That is true, but there was no war; there is no war when the courts are open. There is no war when there is a riot. The Gordon riots in England at the time of the Catholic disputes there, those severe riots were not war. There was not even declared to be a state of war by anyone. Gov. Ammons never declared Las Animas and Huerfano Counties in a state of insurrection and rebellion as Gov. Peabody, in Teller County, for instance, did in 1904. There were riots; there was unjustifiable shooting on both sides, early in October. There were wicked murders, but the first murder was the Lipplatt murder by Belcher—Lipplatt, the organizer. Mr. Welborn spoke of the murder of Lee. I carefully investigated, so far as I could, the murder of Lee, a mine guard. It appears that Lee was a plucky, brave, courageous man, related, I believe, to the Lees of Virginia, but when he was drunk he was very bad. Certain Greeks whom he had abused——

Commissioner WEINSTOCK (interrupting). Was Lee a militiaman?

Prof. BREWSTER. No; he was a deputy sheriff, I think. Now, I speak with caution there. I think he was a mine guard, but I believe he was a deputy sheriff, a mighty good fellow in many ways; but he had incurred the enmity of certain Greeks; and after Lipplatt was killed, and just the day after the strike was called—but, as I am informed by several reputable citizens of Trinidad, not as connected with the strike—he was shot, owing to a private grudge that these Greeks had. I think they were Greeks. They skipped; they ran away. They never have been found. They murdered him, deliberately shot him, as Mr. Welborn says, from his horse.

Commissioner WEINSTOCK. Is that the first offense?

Prof. BREWSTER. The first shooting was the shooting of Lipplatt on the streets of Trinidad by Belcher.

Commissioner WEINSTOCK. Who was Belcher?

Prof. BREWSTER. Belcher was a Baldwin-Felts detective. Afterwards he was—I think Belcher was shot afterwards.

Commissioner WEINSTOCK. Is that the first act of violence in the strike—the very start?

Prof. BREWSTER. That was a little before the strike.

Commissioner WEINSTOCK. A little before the strike. Did your committee investigate that particular case?

Prof. BREWSTER. No, no. That particular committee I was on first was looking into special——

Commissioner WEINSTOCK. Looking into what?

Prof. BREWSTER. Looking into especially the abuses of the militia, or alleged abuses. We were not investigating the strike at that time. The strike I investigated on my own hook; whenever I could get away from these union men I investigated the strike on my own hook.

I want to say here, by the way, because it has a bearing, I think, upon this whole matter of my statement, that at the time I was acting as a member of the committee investigating the militia I was under no obligations whatever to the United Mine Workers of America. I was not in their pay. I was doing what I thought was the duty of a citizen independently of anyone. When I was retained as special counsel I was paid. When I finished my last brief I ceased my connection with the United Mine Workers in any way. I am under no obligations now to the United Mine Workers. I have not seen them for some time. I hate to rake up any of the past, except as it may have a bearing, by teaching us something from past experience as to what we should do in the future. That is the only reason.

Commissioner WEINSTOCK. Do you hold the operators responsible for any of these alleged acts on the part of the militia?

Prof. BREWSTER. Only in this way, that Maj. Boughton, now Lieut. Col. Boughton, was in constant, almost daily, communication with the operators; that Judge Northcutt, their attorney, was in constant communication with Gen. Chase; that they were there, as two members of the congressional committee told me when they learned the facts, not to preserve order, but to break the strike. The breaking of a strike, bad as a strike is, is not the duty of the State National Guard. The breaking of a strike is for the operators and society to attend to, and for the people who furnish the money from the East. Let them break the strike.

Commissioner WEINSTOCK. Well, how do you connect the coal operators with the abuses of the militia?

Prof. BREWSTER. I don't connect them with it, except that they were—no, I think the operators will admit that there were gross abuses of the militia, that they did not authorize or warrant, except as it tended to break the strike. So, the militia is one thing, the operators are another, and society is another.

Commissioner WEINSTOCK. If you were an officer in command, Professor, how would you deal with men or women who resorted to incendiary language in the strike zone?

Prof. BREWSTER. If I saw the man or heard or knew the man, or had probable cause to believe that the men or women were resorting to incendiary language in the strike zone, I would, as a military man, assist the civil authorities by acting as a policeman, arresting them, and turning them over just as soon as possible to the civil authorities to be dealt with.

Commissioner WEINSTOCK. Would you deport them?

Prof. BREWSTER. No; I would not deport them. Why should I deport them, any more than I should deport L. M. Bowers, who was a resident of Binghampton, or anybody else?

Commissioner WEINSTOCK. If martial law had been declared?

Prof. BREWSTER. There is no martial law, Mr. Weinstock. There is no such thing as martial law. Martial law can only be declared by the legislature. And martial law, as we all know, is the absence of all law. It is a misnomer. Martial law may be called, if you will, "martial rule," but martial law is only existent in time of war.

Commissioner WEINSTOCK. Hasn't the commander in chief the right to declare martial law?

Prof. BREWSTER. No, sir; not in America! And in no civilized country, except possibly one or two continental countries where they have a peculiar thing they call "declaring a state of siege." In England no commander can; only Parliament can declare martial law. There is no such thing as martial law. It is more than a misnomer, it is martial rule that exists in war as a necessity of war, and places in the hands of all people, military and civil—I mean places the lives and existence of all people in the arbitrary control of the military commander as an absolute war necessity.

Commissioner WEINSTOCK. In the case of Mother Jones, Professor, if you had been the officer in command and you believed that she had been guilty of resorting to incendiary language, what would you have done with her?

Prof. BREWSTER. Incendiary language?

Commissioner WEINSTOCK. Language likely to lead men to acts of riot.

Prof. BREWSTER. First, I should go and talk with Mother Jones or have her come to me; if I was commander I would have her come to me. I should tell her that free speech did not justify the inciting of riots. If she persisted in actually inciting riots and not merely in keeping union men in the camps, or speaking disrespectfully of property as compared with humanity, I think I should arrest her and try to find some charge upon which I could hold her as a criminal in the ordinary courts of the State or the county. But the precise specification is a difficult one to meet, as to what would be done, until it is ascertained exactly what is meant by incendiary language. For instance, I just want to say one word, and I will try not to talk too much. The I. W. W.'s much as I despise their general methods, have a right to speak their minds out. Why, we boast of our free speech, and we must have it. But the direct incitement to even riot must be stopped. It would depend upon the emergency, upon the circumstances. But, first, certainly I should have a talk with Mother Jones, and in talking with her I would find—as I have found in talking with her and in talking with other people who have used strong language—I have found that you can reason with them and persuade them; but you can not educate people by fighting them nor falsely imprisoning them; nor can you persuade persons by shaking your fist in their faces. Now, speaking there upon the evi-

dence, you may ask Gen. Chase, if he comes on the stand, how many times he has shaken his fist in people's faces simply because they have dared to differ—men and women—men and women dared to differ with him upon points of opinion. You might ask him, further, if he can conceive of Lee or Grant or any real soldier shaking his fist in the faces of women and men because they disagreed with him upon constitutional questions.

Commissioner WEINSTOCK. Coming back to the point, then, if Mother Jones, for example, had resorted to language that you, as commander, regarded as incendiary in character, you would have arrested her and turned her over to the civil authorities?

Prof. BREWSTER. I would have, first, talked with her, told her to stop, that it must not occur again; and if she persisted I would have arrested her and turned her over to the civil authorities, on the doctrine that the militia in such cases—the National Guard in such cases—is simply acting as police officers and not as commanders in a war zone.

Commissioner WEINSTOCK. Returning to Mother Jones. Your contention is that the speech which she delivered on the 16th day of September was not incendiary in character?

Prof. BREWSTER. Taken as a whole—taken as a whole, I think it can be demonstrated to any body of people that that is not incendiary in character—taken as a whole.

Commissioner WEINSTOCK. You have read the speech, of course, of Mark Antony over the dead body of Cæsar, in Rome, more than 2,000 years ago? Could you find—

Prof. BREWSTER. It seems 2,000 years since I read it.

Commissioner WEINSTOCK. Could you find one direct word in that speech that was incendiary in character, and still did it not arouse men to action and to bloodshed?

Prof. BREWSTER. Very true.

Commissioner WEINSTOCK. Now, is there anything, for example, in that speech, which is famous for its marvelous suggestive powers, and for the rare skill which the speaker exercised over his hearers, and with the tremendous effect that it had upon the listeners, so that it led to one of the greatest civil wars that Rome ever had; could you find anything in that speech that is more direct than this. Let me repeat. This page 2631 of the congressional committee's report:

"I want to say, my friends, when the Star is writing these letters, he ought to take into consideration that he is probably well paid for this article by the mine owners—for sending this article down here. The time is ripe for you to stand together, men, and make the operators come through, and if you don't, who, by the eternal God, will? This thing of standing slavery in this country is going to end, I want to tell you, my friends, and if you men are too cowardly, there are enough women in this country to come in and beat the hell out of you."

Then, on page 2632:

"I called—

Referring, I think, to some circumstance in West Virginia—

Prof. BREWSTER. Yes.

Commissioner WEINSTOCK (continuing):

"I called a committee and I said, 'Here, take this document into the governor's office and present it to him. Now, don't get on your knees; you don't need to get on your knees. We have got no kings in America. Stand on both your feet, with your head erect,' said I, 'and present that document to the governor,' and they said, 'Will we wait?' and I said, 'No, don't wait, and don't say, "Your honor,"' said I, 'because very few of those fellows have any honor and don't know what it is.'

"When we adjourned the meeting and saw we were not going to get any help, I says, 'We will protect ourselves and buy every gun in Charleston.' There was not a gun left in Charleston, and we did it openly, no underhand business about it, for I don't believe in it at all. We simply got our guns and ammunition and walked down to the camps, and the fight began."

Can you think of anything more suggestive?

Prof. BREWSTER. It is certainly suggestive; it is in my judgment, wrong. I don't believe, however, that it violates free speech, that it goes beyond our rights of free speech.

Commissioner WEINSTOCK. Is this not a factor, Professor, if you will pardon me, that the tests as to whether a speech is legal or illegal in character—as to whether a speech comes under the head of a free speech, or under the head of

treason, that the test is the result; that whatever you and I might say in public, if it leads to violence, it is treason, and that if it does not lead to violence, no matter what it is, it is not treason? It is judged by the results?

Prof. BREWSTER. It is a matter of long argument, but I believe you are going too far in saying that even what leads to violence is treason. I do not believe that all violence is treason, even insurrection or rebellion. As a matter of law, I do not, of course, justify violence. Violence will seem to some people the only remedy they have just as long as we have the gross inequalities before the law that we have now.

Commissioner WEINSTOCK. May I ask this further question for my information: Do you have in the State of Colorado the initiative and referendum and recall?

Prof. BREWSTER. Yes.

Commissioner WEINSTOCK. Well, with the initiative and referendum and recall, what justification can there be for violence, when the power rests absolutely in the hands of the voters?

Prof. BREWSTER. There are never justifications for violence, but there are explanations for violence. There is never any real justification in the sense that you justify, except self-defense—that we justify violence. There is an explanation of violence, there is an excuse for violence in some cases. There is no justification, in my judgment, for violence. The purpose of the recall and the initiative and referendum is good, and it is more rapid than the old style of representative government, but it is pretty slow. We had an illustration this last election. Several very good things had been initiated, and suggested, by the legislature; people were advised by intelligent persons to vote "no," on all because they had been initiated, because they had been referred to the people, and so they did vote "no" on most of them. That is, the idea was this: They did not have time to study them; they were told—they were advised that, in a general assembly in Boulder, by intelligent lawyers who were posted to some extent in the initiative and referendum—they were advised to vote "no" on everything; now, you can not get the recall of these laws to work rapidly. Do not misunderstand me a moment; I do not justify violence; I do not want violence, I have, with John R. Lawson, urged the men, he has urged them in my presence, we have urged them together, to be patient, but infinite patience, almost godlike, would be required to stand some of the things that some people have had to stand.

Commissioner WEINSTOCK. Are we to understand, Professor—

Prof. BREWSTER (interrupting). I think that language you want to come right down upon; that language is very unwise. If I had had the power I would have persuaded Mother Jones to keep her mouth shut, as far as such language as that is concerned. At the same time she spoke the truth in many ways. We know that those men have very little honor where she says they have no honor.

Commissioner WEINSTOCK. Are we to understand that if you and I, in a group, have real or fancied grievances, and we have the privilege of the initiative and referendum and recall, that because the machinery embracing these three privileges is slow, that therefore we have the right to resort to quick action?

Prof. BREWSTER. No; I did not say that, I think.

Commissioner WEINSTOCK. Did you not say that inferentially?

Prof. BREWSTER. No; it explains violence. It has been, I think, almost impossible, as far as I can learn, to obtain anything like justice in Huerfano and Las Animas Counties for a poor man; it is pretty generally so throughout the United States, in my judgment, after considerable experience and reading. The rich man who has stolen enough on rebates is fined, the poor man is indicted and imprisoned. That is the history. We will take a specific instance. I am not making these as accusations, they come right to me. The C., F. & I. and the Santa Fe were both criminals, according to the decision of the court, in 1906—that is, before Mr. Welborn became the president—when they accepted rebates. They had taken what is estimated at from \$1,000,000 to \$2,000,000—that was probably the beginning of "the struggle for industrial freedom" in Colorado—they had taken from \$1,000,000 to \$2,000,000 from the people and their competitors. They were fined in June, 1906, as criminals, \$15,000 apiece; that is a matter of record.

Now, if the working man does anything anywhere approaching that, what does he get? Is he fined and fined proportionately to the amount at all that he has stolen? We know that he is not. It is this inequality before the law, that it makes outlaws of men, and outlaws will commit violence; and it is in

the hope that the future may be better than the past that I say these things, and for no other reason whatever. It is the truth. We are not willing to go where the truth leads us. Even clergymen who follow, or profess to follow, the man who said, "I am the way, the truth, and the life," will deliberately—I say it with deliberation—will deliberately and grossly misrepresent facts in a case like this, and then, having done that, they will preach from their pulpits upon the topic, "How to get the masses to come to church." And they will ask the question, "Why does the workingman not come to church?"

Yet remember what their Master said or taught, "The truth shall make you free." And what do they do? Disregard the truth. They are afraid to go where the truth will lead them. That is the absolute truth, and we know it.

We have in this country a piece of metal. Between the spread wings of the eagle is the motto, "In God we trust." But we do not trust in God; we trust in the metal. If we trusted in God and believed the motto, would we be shooting up each other about the production of coal? Would we lie about each other? Would we have this bitter feeling? These gentlemen sit and laugh at me when I talk this way. They are laughing now. They may laugh. They have laughed for 34 years in this State and repressed the workingman, and never a man in official position has brought forward a constructive program of an industrial court or anything like it that has been effective at all, until Gov. Carlson comes on with his program, which is one of the most hopeful signs for the future—getting it largely from Prof. Commons and his work in Wisconsin. These words seem earnest. It seems to some people as if I had a personal feeling in the matter. Absolutely not at all. I can see the justice from some points of view of these operators' position. They must protect their property. They must look after the rights of their stockholders. But they must look after the rights, also, of the producers who form 75 per cent of the cost of the production of coal. They must consider the rights of society as well. They have disregarded two of these elements and remembered but one thing—"their business."

Commissioner WEINSTOCK. That is all, Mr. Chairman.

Chairman WALSH. Commissioner Lennon would like to ask you a question, Professor.

Commissioner LENNON. Did the committee of which you were a member make any investigation as to whether there were gunmen and guards who were not citizens of Colorado who were enlisted in the militia at any time?

Prof. BREWSTER. Why, the congressional committee did to some extent.

Commissioner LENNON. I know, but I asked you if your committee—

Prof. BREWSTER (interrupting). The first committee? That is, that committee that was investigating the militia, appointed by the State federation of labor? Do you mean that?

Commissioner LENNON. Yes.

Prof. BREWSTER. Why, to some extent. To some extent, but not fully. We went into it a little more fully at the congressional investigation. It was gone into a little more fully. For instance, if you care for it, I could mention the names of some—

Commissioner LENNON. I am familiar with what is in the congressional committee's reports.

Prof. BREWSTER. Yes. No; we were looking after—we didn't go so much into that, as I now recall it. It developed, however, that there were men, but we could not get at the truth about that. There were the Kinzies from New Mexico who were not citizens, who were mine guards and sworn into the militia. There were the Schwatzels, father and son, who were citizens of New Mexico, I think, who were mine guards and members of the militia. There is no question about that, of course. The militia has contained mine guards, some of whom have not been, in the proper sense of the term, citizens of Colorado. They may have recently become residents with the intention possibly as long as it paid to be citizens or residents of this State.

Commissioner LENNON. Have you made any investigation as to any details regarding the death of Frank Tikas?

Prof. BREWSTER. Of Louie Tikas?

Commissioner LENNON. Of Louie Tikas, I should say.

Prof. BREWSTER. No; only what has been admitted by the militia. No; I did not—I have never investigated personally Ludlow except indirectly.

Commissioner LENNON. That is all I care to ask.

Prof. BREWSTER. I knew Tikas well, and the circumstances of Tikas's death are admitted

Chairman WALSH. Commissioner O'Connell would like to ask you a question.

Commissioner O'CONNELL. Professor, there are more methods to be considered incendiary than the matter of language. Things may be done in which words are not used which are incendiary, for the purpose of exciting people. Did you make any investigation of the burning in effigy of the State auditor?

Prof. BREWSTER. That occurred on Thanksgiving Day, and I believe at the camp at which Gen. Chase's headquarters were. I am not sure about that. I did not make any special investigation. It was an admitted fact, and I made no special investigation of that. That was a generally known fact that owing to the auditor's idea that all men should not be paid, or I think that some horses should not be paid for, or something like that, or, at least, the pay should be held up until some matters were solved; just what they were I don't know. There was a feeling against him on the part of a great many of the militiamen and they burned him in effigy.

Commissioner O'CONNELL. Didn't that occur in front of the commanding officer's headquarters?

Prof. BREWSTER. I did not personally investigate to see just where it was. I don't know whether he knew about it or not. It was right there where, as the commanding officer, he should have known about it, if he did not. I understood it was in the camp, but I did not personally investigate that. I am speaking altogether from what I have heard afterwards about it. I considered it a very small matter compared with some other things.

Commissioner O'CONNELL. On Thanksgiving morning?

Prof. BREWSTER. Yes; I believe it was Thanksgiving Day.

Commissioner O'CONNELL. Would an act of that kind have the purpose of inciting the miners—the strikers—to some act that might give the militia opportunity of action?

Prof. BREWSTER. Why, of course, those things, being known, incite the miners. If anyone will talk with the miners, he will see what will incite them. When they hear of threats—either they tap the wires or otherwise—that certain people are going to do up certain others connected with the miners, that incites them. When they see a public officer burned in effigy by the preservers of law and order, it does not set them a good example of law and order, obviously.

Commissioner O'CONNELL. If, as Commissioner Weinstock has read from the speech of Mother Jones, she told what the women might do, in a language somewhat strong, was incendiary, wouldn't the burning of the State official in effigy by the State militia be on a par with such actions?

Prof. BREWSTER. It would be very much like it, only it would not be in language. Oh, there were lots of such things done—that is, the spirit shown by certain members of the militia toward the miners, and their actions were far worse than any words that Mother Jones has ever uttered that I have been able to get at, and I have heard her make about five speeches, and briefly speak many a time. Actions speak louder than words in many cases.

Commissioner O'CONNELL. In this pamphlet, "Militarism in Colorado," the pages referred to by numbers here are the pages in your full report, are they?

Prof. BREWSTER. They are pages in the typewritten report taken down stenographically of the statements of witnesses whom we examined at the time.

Commissioner O'CONNELL. These figures given here are the pages in the stenographic report?

Prof. BREWSTER. Yes, sir.

Commissioner O'CONNELL. Have you that here?

Prof. BREWSTER. I put that in so that anyone could——

Commissioner O'CONNELL. Just take it a moment. I want to refer to it.

Prof. BREWSTER. Of course, you must remember that no written statement conveys [offering the typewritten document to the commission]——

Commissioner O'CONNELL. If you will just hold it, I will ask you some questions.

Prof. BREWSTER (continuing). Conveys the impression as to the character of the witness as does the witness on the stand.

Commissioner O'CONNELL. I am reading from your report: "A major offers to release an arrested union man if he will work in the mine, page 785." Will you just read that?

Prof. BREWSTER. What is it you wish?

Commissioner O'CONNELL. It says, "A major offers to release an arrested union man if he will work in the mine."

Prof. BREWSTER. Yes.

Commissioner O'CONNELL. What is the testimony on that?

Prof. BREWSTER. Here it is—let me say, it is some time since I read it. Of course, I may have to read a page here. Let me see. This was apparently Mr. Townsend—that may have been Maj. Townsend [reading]:

"Mr. Townsend, he say, 'You fellow talk English?' 'No; I don't understand much English.' 'Well, if you don't understand English, you stay here for too long time. When you talk English you go home.' Question. If you can't talk English you stay here a long time? Answer. 'If you don't talk English.' Question. If you don't talk English? Answer. Keep me a long time. Question. If you can talk English you can go home soon. Answer. I say, 'I can't talk English.' He say, 'You understand what I am talking to you? If you fellow want to go to work, I turn you loose.' Question. 'If you want to go to work, I will turn you loose.' Answer. I say, 'No, sir; I can't work.' He says, 'Look at this fellow here'—just one Italian—'this fellow he belong to the union, he going to work. I going turn him loose. He go to Cameron. You want to go to Cameron mine?' 'No, sir. Question. He turned to another union man who was in the room. Answer. Yes. Question. And he says, 'This man is going to work in the Cameron mine.' Answer. Yes, sir. Question. 'And I am going to turn him loose?' Answer. Yes. Question. 'And if you want to work in the Cameron mine you can be turned loose?' Answer. Sure. Well, I say, 'I can't go to work.' Well, he say, 'What you do for the union; you get \$3 for a week, you get much hungry.' 'Yes, I get much, but not too much. I don't like to go.' Question. You get much hungry, but not too much? Answer. Yes. He say, 'You fellow got much hungry, you can't live on \$3,' chew rag; 'I get hungry, but not too much.' Question. You wouldn't go to work? Answer. Yes, I don't like to go to work. Monday morning, he say, 'Well, put this fellow to work; don't give him nothing to eat, and Sunday all day.' The Monday he give me something to eat."

Then it is about putting him to work shoveling coal and snow for the militia.

Commissioner O'CONNELL. Who was the major?

Prof. BREWSTER. I suppose it was Maj. Townsend, because his name appears here. I can't remember now. I will try to find it in a minute. The idea was that one man had been turned loose because he had gone to work; and this man would be turned loose if he would go to the Cameron mine.

Commissioner O'CONNELL. Now, begin with this same paragraph, Professor—

Prof. BREWSTER (interrupting). I want to find—there is a reference to him here all through as Mr. Townsend. I think he is identified as Maj. Townsend. Maj. Townsend was one of the most arbitrary officers of the militia. He resigned, or I understood he resigned, shortly afterwards, rather—well, he resigned.

Commissioner O'CONNELL. Now, let me read again from this report. "The militia have tried to persuade strikers to go back to work, in some instances threatening and abusing them at the same time, pages 137, 141."

Prof. BREWSTER. Here is 137. This was through an interpreter (reading):

"Question. Ask him what happened when they met the soldiers. Answer (the interpreter). He says they stopped him. They took him about—they made him come back about 15 feet, and then they surrounded them; that is, the soldiers got them in the middle. Question. What did they do. Answer (the interpreter). The soldiers asked them where they had been and what they had been doing. Question. What did they say? Answer (the interpreter). He said they told the soldiers that they were coming about their business and coming back home, and while they were talking the soldiers kicked them. Question. Tell us what the soldiers said to you there and what they did. You (the witness) tell us that. Answer (the witness). He said 'What place you work before?' 'I work in Tabasco.' He said, 'What's the matter you no work in Tabasco?' I say, 'No work in Tabasco; I got down in the tent.' 'Sure, you go work in Tabasco. 'No, sir; I no go work in Tabasco. I go down in my tent.' Question. Then what did he do? Did he do anything then, or say any more to you? What did you have with you when you met the soldiers, from the store? Had you bought anything at the store—any shirts or hats or anything? Answer. Sure. Question. Did the soldiers let you go by then and let you come home? Did they say 'All right; go ahead; go home?' Answer. No. Question. What did they say? Answer. He say, 'You go back work in Tabasco.' 'No, sir; I no go to work in Tabasco.' Question (addressing the interpreter). Charley, you ask him what did the soldiers do when he refused to go back to work at Tabasco. Answer (the interpreter). He says when he

refused to go back to work in Tabasco they kept kicking him. Question. They started to kick him? Answer. Yes, sir; that is what he says. Question. Where did they hit you—strike you in the face, did they? Answer. Five or six times on the back and on his face. Question. What did they strike him with? Answer. Kicked him. Question. They kicked him with their feet? Answer. Yes."

Then those questions had been asked by—you will notice these questions are informal and not by a lawyer. These were often asked by Mr. Lawson, the chairman of the committee. The poor men that we were investigating in many cases were people who speak sometimes little English, sometimes through an interpreter; but I believe that they are as capable of telling the truth as English-speaking people. And I asked him then—it says [reading]:

"By Mr. Brewster: Question. Did they kick him in the face? Answer. They got him to sit down on the ground and kicked him on the back and on the face."

And so it goes on.

Commissioner O'CONNELL. And all those other numbers referred to here are testimony taken on that line, then?

Prof. BREWSTER. Testimony taken in that way, and, so far as I can make out, each bit of testimony sustains—if you believe the people, that is the point—sustains the allegations made in that blue-covered pamphlet which you have, which is our report to the governor.

Commissioner O'CONNELL. Just one other reference [reading]: "A mine superintendent to have given orders to militiamen as to who should travel the public road, page 749."

Prof. BREWSTER. This is a Dr. Green [reading]:

"Question. Give us a brief statement, Doctor, as to your experience with the militia. Answer. On the 14th of December, on my way back from the Alliance mine, the liveryman started and drove me through the town of Oak View. We drove through the town, followed by Dr. Lamme and Captain—I don't know his name—the captain. Question. Military captain? Answer. Military captain—lieutenant or captain, whoever was in charge. We drove through the town, passed the last house, when we were called by the militia from the hotel or store, I don't know which, and told to come back. We went back and the militia stood, two on each side of the road, and commanded us to go to headquarters. We went to headquarters. They told us there that there would be a couple of men there soon who would take care of us. The two men appeared, after an hour and 30 minutes or over, on horseback, with guns in their hands. The captain then delivered his message in the following words: 'You will go back over the road you came in on, and you are never to drive through this town,' or 'camp,' I believe it was he said, 'camp any more.' At this point the liveryman, Mr. Earnest Eggleston, asked the lieutenant or captain, whichever it was, for the privilege of driving home that once over the road we had started over, because the other road was so drifted with snow we could hardly get over it. He said, 'It was Mr. Jones's order that you go back over the line and not drive through this camp any more. I will let no one go through unless he says so.' The two militiamen then escorted us out of the camp, behind us, back into the road that runs down the D. & R. G. That is the amount of it."

"By Mr. Kerwin: Question. What position does this Mr. Jones hold that you mentioned? Answer. He was superintendent of the mine, general manager. John D. Jones."

Now, that was about a doctor; that is all there was to that. He was not one of these ignorant strike breakers, nor ignorant miners. That warrants that assertion, I think, that the military obey the orders of the superintendents as to who shall travel over the public road.

Chairman WALSH. Anything else?

Commissioner O'CONNELL. No.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. Professor, can there not be a subversion of law that is far reaching in its effect and its results with a more deadly form of incitation to violence than any language could be?

Prof. BREWSTER. Why, Mr. Commissioner, I have always maintained that slow, insidious poison in the body politic, just as in the human body, is quite as fatal as the dagger's thrust; and if we have the corrupting influence which exists in my native State by the New Haven road over the legislature for years, we will have the results that come with that. And when we speak

about unions, why do we forget the bad directorship of the New Haven road? It is this slow poison of the body politic that is ruining this country. It is far—if you ask me the question—it is far more fatal, in the long run, than the quick dagger thrust, because it is a slow death with torture.

Commissioner GARRETSON. Has it not always been the case that the supremacy of the law was preached by the people that subverted the law?

Prof. BREWSTER. Supremacy of the law. Oh, it is an old story. This law and order business is nothing new. It has been the cry of the privileged classes always and forever—law and order, irrespective of truth and justice.

Why, I would like to read you what a bishop of the Middle West wrote me: He said the Scribes and Pharisees—this is from a bishop—and high priests are generally on the wrong side, on the side of vested interests and against truth and justice—vested interests vested by law.

Commissioner GARRETSON. You were present at the congressional investigation held in this matter?

Prof. BREWSTER. At every session, and I examined a great many of the witnesses.

Commissioner GARRETSON. You have heard the charge of general perjury that is made against the men that testified there?

Prof. BREWSTER. Not general perjury. I believe it was Mr. Welborn on one—

Commissioner GARRETSON. Who testified on one side?

Prof. BREWSTER. I understand. And I am exceedingly sorry that Mr. Welborn ever brought that matter up. I understood Mr. Welborn to say that there was perjury on the part of the witness on behalf of the striking miners. I heard him also say that there was no perjury on the part of witnesses produced by the operators. I wish to say that, in my judgment, there was some perjury on both sides. But weighing the testimony, considering the poor people from whom Mr. Welborn's perjury—they are the people who gave what Mr. Welborn calls perjured testimony, I say that the perjury on the side of the operators far exceeded—and I can demonstrate it—that of the striking miners.

I wish to speak further on that, by the way, since it has come up. I did not bring it up, and I would never have brought it up, and I should have supposed that Mr. Welborn would have shrunk from bringing it up. Who were the perjurers on the side of the miners? Poor strike breakers, most of them, brought in to drive out the union miners. Poor men like that, who denied the writing of their own names, when perhaps they had written it and perhaps they had not. The circumstances of many of those cases, the details are now out of my mind; but I think there was one man—I wish to say, though, before charging people with perjury, perjury is a serious offense. It includes that willful perversion of the truth which is not merely accidental forgetfulness, something of that sort, or the result of ignorance. Here were one or two poor men, who were brought in there by the miners partly to show the committee the character of citizenship that was being brought here—men who were being brought in here to this State to supersede the union miners. There was one man, if I remember right, by the name of Adams, who could not say whether he signed his own name to a Pittsburgh contract, in which he admitted that he had been told that there was a strike on in Colorado. We have an antideception act. The story is a long one. My impression was at that time that the poor fellow was lying. So, as he was under oath, I presume it was perjury.

There was another man, a poor Valenti, who kept saying he could not remember this and could not remember that. He had enlisted in the United States Army. He was another strike breaker. My impression was at the time that that poor fellow was lying, and as he was under oath he was committing perjury. I would say that at that time I was alone in the case with no help. There were six counsel against me, and I had as much as I could do to simply examine witnesses without talking with them before. Whenever I saw, during the investigation, anything like lying I tried to stop it so far as I could.

Now, when you come to perjury let me ask this: If these gentlemen, and especially Mr. Welborn, remember with satisfaction and pleasure the testimony of that spy, Langowski, a man who was in the pay of the C. F. & I. while receiving union benefits? He perjured himself as plainly as could be.

Let me ask them if they remember with complacency the testimony of the C. F. & I special agent, Mr. Kahn? He was a special agent hired to watch everything about arms in Trinidad, and who never in his investigation, as he

testified, saw the C. F. & I. armored car, nor a machine gun, but who always saw the miners' guns.

Let me ask them if they remember the testimony of the mine doctor, Dr. Curry, who for 14 years was a mine doctor and who had never in 14 years in Colorado heard in his dealings with the men of a single complaint, even of an imaginary grievance, though he knew that the miners in Pennsylvania and Ohio had complaints.

Let me ask them if they remember the testimony of that lying militiaman, who admitted that he lied, Private Smith.

Let me ask them if they remember the testimony of Kennedy, who admitted that he perjured himself to join the Army of the United States when he swore at 13 that he was 22, when he joined the British Army, and swore falsely again? He was the man who commanded the machine gun at Forbes on the fatal day of October 17.

Why—let us speak of perjury? I might go through with witness after witness of perjured testimony. But there is something back of this. A gentleman's word ought to be as good as his oath. And while it is not technically perjury for a gentleman to lie, it is something that comes very near it to send out bulletins over this country containing lie after lie, headed with a lie, headed this way with this title: "The Struggle for Industrial Freedom in Colorado." The more appropriate title would have been: "The Struggle for Industrial Serfdom in Colorado."

Now, when was Mr. Welborn telling the truth? Was he telling the truth when, on page 530, he says that in February only—page 530 of the record—he says that in February only one-third of his men, of his old employees, were at work? Or, is he telling the truth when he sends out a bulletin saying that 75 per cent of his men were at work? Now, the testimony is there under oath. It is to this effect: Six thousand men was the normal number of employees in the coal digging establishment of the C. F. & I. In February, when Mr. Welborn testified, he said there were 3,000 men at work. Of these 1,000 or 1,200 were strike breakers; that leaves 1,800 to 2,000 of his old employees, which is 30 to 33 per cent of his old employees.

This is a long statement, and yet he has sent out bulletins over this country, and he has sanctioned the issuance of other bulletins saying that 95 per cent of the men were at work, and in others that 75 per cent of the men were at work. Don't let us talk of perjury. It ought to be in the background. He brought the matter up.

Commissioner GARRETSON. Was it commonly known, while the militia were in the field, that officers of the militia were under retainer fee as lawyers for corporations or associations similar in character to that of the mine owners?

Prof. BREWSTER. I do not know whether it was commonly known or not; I can not say whether that is so or not.

Commissioner GARRETSON. Is the act of Colorado of 1908, in regard to qualifications for judges of election, a matter of common knowledge, or is it not known?

Prof. BREWSTER. It is supposed to be pretty well known, but I suppose there are lots of people do not know it. It is the general assumption that every man has knowledge of the law, that—but that is not always so.

Commissioner GARRETSON. Was it at the time of its passage, and has it been since that time, the subject of newspaper comment in the State?

Prof. BREWSTER. I do not remember. I have read a great many newspapers, unfortunately, and I can not remember whether it has been the subject of much newspaper comment or not.

Commissioner GARRETSON. Do you agree, after personal investigation of the territory to a certain extent, that there is no industrial unrest in the portion of Colorado covered by the late strike?

Prof. BREWSTER. There is unrest, and I should judge that it has been industrial unrest, at periods for 34 years in this State. The militia has been called out 11 times.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. That is all, Professor.

Commissioner BALLARD. I would like to ask a further question of the professor.

Professor, the question was asked you about Tikas, and I understood you to say you knew him well, the Tikas that was killed; was he a striking miner?

Prof. BREWSTER. No; I think he never worked in the mines. He was brought in to try to guide the Greeks. I asked him about that, and he told me his pur-

pose was to try to raise the Greeks. He was a peaceably disposed man; there is no question about that. He was a somewhat educated man; his English was not very good, but his choice of language was good although his pronunciation was poor. He said that his purpose was to try to raise the men of his nationality.

Commissioner BALLARD. Was he brought in from Denver?

Prof. BREWSTER. I think he had lived in Denver; I don't know.

Commissioner BALLARD. What was his business in Denver?

Prof. BREWSTER. I don't know. I only knew him after he had been at Ludlow. I got pretty well acquainted with him there. I never inquired, and I do not know what his business was.

Commissioner BALLARD. You spoke, Professor, yesterday in your direct testimony with regard to the protocol which exists in New York as being perhaps one method of avoiding industrial unrest, and as being a method that might be peaceful and tending to produce, perhaps, kindly relations between employee and employer. That protocol, as I recall it, allows any person to work, whether belonging to a certain union or not. Do you believe that the United Mine Workers of America would have been willing to accept such an agreement and such recommendation as obtained under such a protocol, or do the United Mine Workers of America, when they insist on unionizing the men, do they not present an agreement which they themselves have prepared and which they demand the mine owners shall sign?

Prof. BREWSTER. All I know about that is when I suggested that matter that had been adopted in the cloak industry in New York State, they were willing to confer about it and would allow the open or preferential union shop. They do, I think—I am not sure about how it is in other States where under the shop agreement there is the provision that the men in the mines shall belong to the union, but apparently here they were willing to consider "the preferential union shop," hoping, I suppose, to ultimately lead to the union shop.

Commissioner BALLARD. Of course you know that there is a union, that Mr. Garretson controls, which is considered probably the best in the world?

Prof. BREWSTER. I don't know that; I did not know that he belonged to any union.

Commissioner BALLARD. Yes; and it is considered the best in the world; and I am told that the United Mine Workers do present an agreement which they demand shall be signed by the operators, and you feel that the United Mine Workers would have been willing, perhaps, to have made some agreement other than the one they generally present?

Prof. BREWSTER. They were willing to confer about it; but they know about that, and they will tell you better than I can. I do not know all that they were willing to do. They were willing to confer about that matter, with the hope of adjusting difficulties.

Commissioner BALLARD. They have different forms of agreement in different States, the United Mine Workers of America?

Prof. BREWSTER. Oh, yes; I think so.

Very much has been said about the check-off system as an essential feature of this whole thing. The check-off feature, as I understand it from talking, is not absolutely an essential feature, although it is a convenient matter and it may be said of course that if the check-off system is convenient for the C. F. I. to adopt in creating its hospital which they decide is beneficial to the union, it is equally convenient for the men to have it when they choose to have it. It is one of these cases where it is a poor rule that will not work both ways. The check-off system supports a beautiful hospital at Pueblo. An elegant affair, a fine thing, but it is supported by the men. Every one of the 12,000 employees of the C. F. & I. contributes his dollar a month on the check-off system. Not only that, but the check-off system was used to collect in some mining camps the poll tax. It was used, in some camps at least, to pay the Sisters of Charity that did work there, in church work, etc. Why, the check-off system, which is so obnoxious, has been used by the operators wherever they decided it was best for the men. I am not one to decide—the men want to decide, naturally, for themselves what is best for them.

Commissioner BALLARD. Who got the benefit of the check-off system at the Pueblo Hospital?

Prof. BREWSTER. Why, the men who were hurt in the steel works, and other places were undoubtedly benefited, there is no question about that, but many men would work for a long time without being hurt, and never got any benefit, but they were contributing by the check-off system.

Commissioner BALLARD. Who would get the benefit of the check-off system, if it was put into effect?

Prof. BREWSTER. The operators would get the benefit by peace; society would get the benefit, and the union would undoubtedly in case it ever became necessary to strike.

Commissioner BALLARD. Is not that taxation without representation, on the part of the miners?

Prof. BREWSTER. Not if they confer and agree to it, it seems to me.

Commissioner BALLARD. That is all.

Prof. BREWSTER. I would like——

Chairman WALSH (Interrupting). Is there something you wish to say further?

Prof. BREWSTER. There have been a number of things said. I made some notes of a few things. For instance, Gov. Ammons said that many lies had been circulated over the country and that a great harm had been done to the cause here and to Colorado, generally, through not telling the truth through the press agencies, and he mentioned George Creel and Dr. Atkinson, and John Reed. In the July number—I do not wish to show any disrespect to the governor—but in the July number of the North American Review, the governor himself had an article which shows plainly his bias, and it contains what, if he had correct information, if he had sought to obtain it, would have shown him that it contained some misstatements. For instance, he said “the mine guards were disarmed and sent away” and he has made that claim repeatedly. Now, mine guards were enlisted in the militia in considerable numbers. There were 14, for instance, taken in at Sopris; there were 4 the next day. We got this testimony, not from miners, but from superintendents and operators’ people. Supt. Cameron does not even deny that he knew of at least six Baldwin-Felts men in the militia. Now, we did not attempt to show on the congressional investigation a large number of mine guards in the militia, but there is enough to show that the evil existed; and yet on the advice of Gen. Chase, Gov. Ammons—and others who are assumed to know, says that “the mine guards were disarmed and sent away,” and he publishes it in the North American Review, with other misstatements, and then he complains of press agencies which circulate falsehoods.

There are many such instances, and there are some upon both sides. John Reed’s article in the Cosmopolitan was wrong. I do not know that the mine workers got him to write it, but he was here and wrote it, and I do not think that he told the truth.

The lies have been upon both sides to some extent, but so far as I can find out, the lies upon the part of the mine workers—the union people—have not been authorized by any of the officials of the union. On the other hand, we have statements quoted in their bulletin signed by leading educators and citizens of this State, Dean Hart and Bishop Olmstead and President Slocum and the dean of the University of Denver which contain absolute misstatements, and they were warned before they published it in the open letter to Secretary Wilson—they were warned before they published it—that it contained misstatements but they, without consulting with the miners—I mean the mine workers and not the officials, but the mine workers and diggers—published them. How, then, is it proper for people in official positions and in high business offices to speak of lies that have been circulated by the miners over the country, when equally pernicious lies have been circulated by them? Let us speak the truth.

If there is any question now as to any point that these operators can suggest they may ask me whether I have ever sanctioned a lie, or Mr. Costigan has, and let them ask me now.

Their brief contains misstatements of this character, for instance: Six learned gentlemen prepared a statement of this kind showing the coal production for the State of Colorado. The total that they showed, the coal production, differs from the total introduced by Mr.—or during Mr. Rockefeller’s examination in Washington—one year by over 1,000,000 tons, another year, by nearly a million tons, and another year, by half a million tons, and that for the C. F. & I., alone. Now, at one point it was their purpose to show a smaller production, at another point it was not their purpose in their report to their stockholders to show a favorable production. I say this to show simply that all of the lies are not on one side. They cited in their brief what they knew, or should have known, as lawyers, was an overruled decision. They have circulated that brief all over. Judge Dayton decided one thing, and three judges of the circuit court of appeals overruled him on every point. Mr. Weinstock asked Mr. Osgood about that

point. Mr. Osgood is not a lawyer, but he has some of the cleverest lawyers in Colorado, and if they did not know that that case had been overruled, then they were careless, they neglected their business, they were not up to date. If they did know it was overruled, and still cited it as authority, I leave you gentlemen and others to decide what it is.

Talk about lies; there are lies, gross lies. I can point out lies on the part of the union, many of them, but in the long run they are not as pernicious, as far reaching, as the operators' lies, and I could demonstrate it to any fair body of people, or to any unfair body, because they would have to see it.

Now, does it indicate, because I say these things, that I think these operators are brutes and villains? Not by any means. They have the hearts and souls of men, and have good qualities in them; they can be appealed to.

What we need is some remedial legislation of different sorts and then conscientious public officials who will enforce the laws; that is all. But Colorado can not have peace—it is manifest to everyone—if a constant policy of repression—and repression only—goes on without listening to the complaints, real or imaginary, of the working people.

You asked me if I had anything further to say. By the way, there is one point that comes to me without any note. Mr. Welborn said, in justification of the issuance of the bulletin stating that mine—union mine officials were paid \$42 a day, and \$90 a day, and \$60 a day; he said in justification of that, that that had been introduced at the congressional hearing and had never been denied. The only place it was introduced was when it was referred to during Mr. Welborn's examination, when, in speaking of the high wages that men got, counsel asked him if he did not get pretty high wages and then he said, "But I don't get \$60 a day," or something like that.

Chairman WALSH. I do not recall that.

Commissioner WEINSTOCK. He does not refer to the hearing before this commission.

Chairman WALSH. I beg pardon.

Prof. BREWSTER. I said to him then, "Do you believe that story?" and I supposed at that time, from the general tenor of things, he always admitted that he did not believe it, because no one else believed it. The truth was accessible; the accounts of the United Mine Workers of America are all audited, and while it was not specifically denied, because no denial seemed to be necessary, we did introduce the constitution in two places, in exhibits of the United Mine Workers, which shows the salaries paid. It shows also that there is an auditor who audits the accounts, and let me say further—

Chairman WALSH (interrupting). That was in the congressional hearing?

Prof. BREWSTER. Yes, sir. Besides, that was repeatedly denied. That was repeatedly denied in the press, and I had no idea, as counsel in that case, that Mr. Welborn—and I still have no idea—that Mr. Welborn believed then, or believes now, that Hayes gets \$66 a day, or whatever it is, or that Mother Jones gets \$90 a day, or whatever it is. It was all a matter of easy proof.

I wish to tell you, by the way, of a specific case of denial and what was incident to it. My brother wrote here from the western slope, saying he had seen that editorial in his local town paper. His character and reputation and his position, are such that whatever he said, would carry some weight. He asked me to investigate the matter—this was in January, or so, and report to him what the absolute truth was. I got the auditor's accounts, and I wrote him, and he wrote a letter to his local paper. He took it to the local paper. They delayed its publication, he wondered why. A man in the office, just who the man was I do not know, whether he was the proprietor or bookkeeper or what, said that the reason it was delayed—he said, "You know the miners don't pay for these things." Now, one may draw his inference from that. That is a fact, that is all. The fact is that the operators have been large advertisers, the miners have not advertised as extensively in the press.

The people of the State of Colorado have not ascertained the facts in regard to the original grievances. Everyone here sees now all the trouble, all the horrible events that occurred after Ludlow. We learn that Tikas was killed as a prisoner, and that 11 women and children have been killed. Who on hearing such things as that—what body of men, can be restrained, then it is too late; the time was long ago. Why has not this State spent one-quarter of the energy and money that it has spent on the militia—why has it not spent one little bit of it in providing some form of industrial court so that the truth could be heard? Some form of arbitration, some form of investigation?

Lest it should be said that something has been said by some one that I should have denied because of my familiarity with the matter, will you permit me to look over my notes just a moment?

Chairman WALSH. Yes, sir.

Prof. BREWSTER. Mr. Commissioner Weinstock, during Mr. Welborn's examination, brought out, among other things from Mr. Welborn, that 62 per cent of the men remained at work. I called your attention to his testimony where it shows that from 30 to 33 per cent of his old men remained at work.

As to the dynamite that Mr. Welborn speaks of, I wish you would glance through Langowski's testimony. He was employed by the C. F. & I. to tell about things and he shows how he and five or six others took dynamite out to raise trouble and make a noise. He was under the guardianship and protection of Massingale, a mine guard of the militia who had not been "disarmed and sent away" as others were! But, there is much that should be corrected. I have taken already too much of your time. I wish to say that I should have avoided. I should have run away rather than testify on these past matters if it did not have a bearing upon the future. There is much that might be said.

Mr. Welborn says, for instance, that all operators have told him of the unsatisfactory conditions. The congressional testimony shows letter after letter from operators in Iowa who have dealt successfully and prosperously with the union, and when I asked Mr. Welborn if he had ever heard of John R. Commons, and I quoted an eloquent passage from John R. Commons's economic book, which shows that where formerly there was war and bloodshed, now there is peace and harmony, he ridiculed the idea, and said, "That sounds like Lawson." That is a compliment to Lawson, of course, because Mr. Commons has made a study of this whole situation, and he saw it was possible for men to agree in collective bargaining. But Mr. Welborn's dismissal of the subject is with this language, "This is my business; I usually know my business."

Now, we recommend in our brief 12 matters of legislation. I should add to them now a wider application of the Newlands bill, and I should advocate in this State not only the adoption of the compensation act—we were not considering local legislation with the congressional committee—but the adoption of something like the Wisconsin Industrial Commission act, which will enable employees and workmen to be brought together with the industrial commission, which may act in cases of dispute sometimes as a conciliatory board, and as a board of arbitration.

Comparing, however, the New Zealand and the Canadian and the Newlands-Erdman Act, there is no question, or ought to be no question, as to which is the preferable method, as to whether compulsory arbitration or some other, there ought to be no question about that.

Senator Patterson is quite mistaken in thinking that compulsory arbitration is the first remedy. It should be the last, the last resort. The first remedy is voluntary, of course, and all the New Zealand experience shows, and every modification or amendment made to the New Zealand law is leading toward more voluntary action on the part of workers and employers. You know all that, of course.

Chairman WALSH. Is there anything else?

Prof. BREWSTER. I think of nothing further.

Chairman WALSH. You may be excused.

TESTIMONY OF MR. J. F. WELBORN—Recalled.

Chairman WALSH. Mr. Herrington advised me at the assembly of the commission this morning that the situation with respect to the gentleman that wrote that publicity matter was such that you had no further objection to giving his name and address.

Mr. WELBORN. Yes. After we talked with you last evening, at the close of the afternoon session, I received a telegram, quite a long telegram, and I will be glad to read it into the record.

Chairman WALSH. Very good. Do, please.

Mr. WELBORN (reading):

"There is no reason why there should be any mystery about the method of preparation of the bulletins and pamphlet last June."

This is not punctuated and I may have to back up sometimes—

"Mr. John D. Rockefeller, jr., stated to me that the public had by reason of the very inaccurate information spread abroad by the United Mine Workers

of America, conceived a wholly wrong impression of the facts of the Colorado strike. Mr. Rockefeller said that he felt it to be his duty to use his influence to the end that the public receive a full statement of the operators' side of the case that then the public could judge for itself as to who was right. He asked if I could advise with the operators in getting the essential facts before the public. I advised very strongly that full and frank statement should be made upon the responsibility of the operators and that steps should be taken to get that statement before the public. The operators then placed in my hands the available printed information and from it I called"—

Culled, but it reads called—

"such matter as seemed significant. Great care was taken as far as possible to pick out statements of facts which had been made by disinterested observers. This material was then prepared in the form of bulletins, and the bulletins with the approval of Mr. Welborn as chairman of the operators' committee, were sent out to the public by the committee, and on its responsibility no element of personal authorship attached to any of the bulletins or to the pamphlet as the whole represented as compilation of material which was already a matter of public knowledge, the statement as to the salaries paid to union officers was taken from an advertisement widely published"—

The word is "and advertisement," but I am sure it is a misprint—

"widely published some months before, which so far as I had known had not been contradicted. It is gratifying"—

Chairman WALSH. I didn't catch it. It was from what?

Mr. WELBORN (continuing reading:)

"was taken from an advertisement widely published some months before, which so far as I had known had not been contradicted. It is gratifying to learn from the published reports of the hearing that the pamphlet contained no other inaccuracies that the few to which attention has been called which had not in any sense violated the essential facts set forth in the numerous documents issued. Mr. Rockefeller had nothing to do with the preparation of any of the bulletins, his whole desire being that the facts should be made plain and his arrangement being that the contents of the bulletins should be subject to the approval of the Colorado operators. Every statement in this bulletin was made in the utmost good faith and was sent to the public by and with full authority of the operators concerned. The whole was done frankly and openly in the belief that the public was entitled to know authoritatively and fully the operators' viewpoint concerning a matter which had been grievously misunderstood by the public. As my relationship was purely that of compiler I had nothing whatever to do with the direct responsibility for this material. I asked that my relationship should be regarded as confidential. To my mind the only mistake the operators made was in not taking the public into their confidence long before they did, and that they should not stop now, but should continue to take steps which would keep the public informed of the facts of their position especially with reference to the stand for a principle which the operators have made. You are entirely at liberty to give this statement to Mr. Walsh's committee, and if they desire to spread it upon their record I shall be very glad to have them do so. Of course, if this matter is mentioned openly at all, the whole of this statement ought to go into the record.

"IVY L. LEE."

Chairman WALSH. What is Mr. Lee's address?

Mr. WELBORN. Mr. Lee's address is Philadelphia.

Chairman WALSH. Do you have his particular address?

Mr. WELBORN. His title is—

Chairman WALSH. His home address, I mean.

Mr. WELBORN. I don't happen to know that, sir; but his title is executive assistant of the Pennsylvania Railroad.

Commissioner GARRETSON. Is he not publicity agent of the Pennsylvania Railroad?

Mr. WELBORN. I can't say as to that. I am giving you his title. I do not know what his duties are. From other information I have had from him, obtained through personal interviews, I am sure that the Pennsylvania Railroad had absolutely nothing, in any sense of the word, to do with Mr. Lee's work in connection with our publicity campaign.

Chairman WALSH. How long had you known—had you known him before this matter came up?

Mr. WELBORN. I had not.

Chairman WALSH. And you accepted him on the recommendation of Mr. Rockefeller, who had known him before?

Mr. WELBORN. Yes.

Chairman WALSH. Ivy L. Lee is his name?

Mr. WELBORN. Yes.

Chairman WALSH. Now, there are some letters that I will have to interrogate you about, Mr. Welborn, which I have here.

Mr. WELBORN. Very well.

Chairman WALSH. And others that you know the subject of, and unless you care to read them at length, we will not do it. I will make this just as short as I can. I am going to ask you to start with, when did you meet W. L. Mackenzie King?

Mr. WELBORN. In the last week of September.

Chairman WALSH. And where did you meet him?

Mr. WELBORN. Of this year? I met him in Mr. Rockefeller's office.

Chairman WALSH. W. L. Mackenzie King is the chairman of the organization committee of the Canadian Association for International Conciliation, and his place of residence is in Ottawa, Ontario, I believe?

Mr. WELBORN. I understood, when I met him, that his former residence—perhaps right up to that time—had been Ottawa.

Chairman WALSH. He is the gentleman who is Sir W. L. Mackenzie King, and was the minister of labor of Canada for some years?

Mr. WELBORN. I do not know what his title was in connection with the labor department, but I was told he was connected with it.

Chairman WALSH. And is he the author of what is known as the Canadian industrial adjustment and investigation act?

Mr. WELBORN. I am not sure as to that, sir.

Chairman WALSH. They say he has not been knighted, that he is called Mr. Mackenzie King. Did you have any other business in New York except to meet Mr. King?

Mr. WELBORN. I went to New York direct from Washington after having an interview with the President in connection with the truce proposal presented by him to the Colorado operators.

Chairman WALSH. Was there any person else present at this conversation between you and Mr. Mackenzie King?

Mr. WELBORN. Well, there was no conversation between Mr. King and myself of any significance, that I recall. I was introduced to him in an office where there were several gentlemen—three or four, perhaps more.

Chairman WALSH. Do you recall who else was present?

Mr. WELBORN. Mr. Rockefeller was one of the gentlemen, Mr. Rockefeller, jr., Mr. Starr J. Murphy, Mr. Jerome D. Greene, Mr. Fred T. Gates, and Mr. Ivy L. Lee.

Chairman WALSH. All except yourself and Mr. Lee are trustees of what is called the Rockefeller Foundation, are they not?

Mr. WELBORN. They may be, although at that time I think Mr. Mackenzie King had not connected himself with that organization.

Chairman WALSH. But the others were all trustees?

Mr. WELBORN. Well, I can not say as to that. I know that certain of them are, but I am not sure as to the entire number.

Chairman WALSH. Do you know, in a general way, what the Rockefeller Foundation is?

Mr. WELBORN. Well, my information is not at all extensive on that subject.

Chairman WALSH. How is that?

Mr. WELBORN. I know only in a very general way.

Chairman WALSH. Well, it is a fund of \$100,000,000 for the purpose of bettering mankind, the general purpose being for the betterment of mankind, incorporated under the laws of the State of New York, is it not?

Mr. WELBORN. Yes; I understand that is its purpose.

Chairman WALSH. Did you understand at the time you met Mr. Mackenzie King that—growing out of the conversation that was had there that day—an inquiry was to be begun, headed by Mr. King, into the industrial relations existing in the United States and other parts of the world?

Mr. WELBORN. No; I did not.

Chairman WALSH. Was there anything said in that conversation about the employment of Mr. Mackenzie King?

Mr. WELBORN. Nothing in that conversation. Though in a later one with Mr. Rockefeller, I was informed that Mr. Mackenzie King had been employed

by or had gone into the service of the Rockefeller Foundation, or was ready to—I am not clear as to whether he was then in their employ or was going to be within a few days.

Chairman WALSH. In the first conversation which you had, you did not understand that Mr. Mackenzie King was then in the employ of the foundation?

Mr. WELBORN. No; I did not.

Chairman WALSH. When was anything said about it at that first conversation?

Mr. WELBORN. I am sure nothing was said at that first conversation.

Chairman WALSH. Did you talk the Colorado situation over with him?

Mr. WELBORN. No; except as the situation here was discussed among all of the gentlemen.

Chairman WALSH. Yourself, Mr. Rockefeller, Mr. Greene, Mr. Starr J. Murphy, and Mr. Gates discussed the situation that was existing at that time in Colorado as between you and your men?

Mr. WELBORN. In but a very general way, we did. I think Mr. Mackenzie King was a silent listener.

Chairman WALSH. How many times did you meet Mr. King in New York?

Mr. WELBORN. I took luncheon with him and the other gentlemen that day. I think it was that evening that I spent with him at Mr. Rockefeller's house. I met him the following day.

Chairman WALSH. Did you discuss the Colorado situation at Mr. Rockefeller's house?

Mr. WELBORN. In a very general way; yes.

Chairman WALSH. Who was present besides yourself and Mr. King at Mr. Rockefeller's house when the Colorado situation was discussed?

Mr. WELBORN. Mr. Rockefeller, sr., and Mr. Lee.

Chairman WALSH. Then, had you been told at that time that Mr. W. L. Mackenzie King was to be employed by the Rockefeller Foundation to inquire into the causes of industrial unrest, or industrial relations, rather?

Mr. WELBORN. I think it was at that meeting the following morning that Mr. Rockefeller told me Mr. King was to enter the employ of the corporation, but I do not recall that it was specifically stated the character of work he was to take up.

Chairman WALSH. Was the first time that you heard that W. L. Mackenzie King was to inquire into the industrial relations—I believe you said that you did not know what it was—the first time that you heard that Mr. Mackenzie King was to be employed by the Rockefeller Foundation there was present John D. Rockefeller, sr.?

Mr. WELBORN. John D. Rockefeller, jr.

Chairman WALSH. And Ivy L. Lee and yourself?

Mr. WELBORN. No. I think, to be absolutely correct, that the information came to me from Mr. Rockefeller, jr., on our way down town the following morning. I sat in the automobile with him, and in the front seat with him, and it was my impression that he informed me on that ride.

Chairman WALSH. Was John D. Rockefeller, sr., present at the time he informed you?

Mr. WELBORN. No; he was not when I heard of him.

Chairman WALSH. Was John D. Rockefeller, sr., present at the house, or junior—

Mr. WELBORN. Yes.

Chairman WALSH. The night before you were informed of the employment of Mr. Mackenzie King, then, and the Colorado situation was discussed at the home of John D. Rockefeller, jr., by yourself, John D. Rockefeller, jr., John D. Rockefeller, sr., were Mr. Ivy L. Lee and Mr. King present?

Mr. WELBORN. Yes.

Chairman WALSH. That is correct?

Mr. WELBORN. Yes.

Chairman WALSH. Then, going down in the automobile the next morning you were informed by Mr. John D. Rockefeller, jr., that Mr. King had been employed by the Rockefeller Foundation; but he did not state to you, as you now recall, what his duties were to be with that corporation?

Mr. WELBORN. That is correct; yes.

Chairman WALSH. Now, did you have another talk—this was at the office, I understand, at 26 Broadway, New York?

Mr. WELBORN. Yes.

Chairman WALSH. The conversation at the residence of Mr. John D. Rockefeller was at what place?

Mr. WELBORN. Tarrytown.

Chairman WALSH. At Tarrytown. Now, after you got down to the office, who else was present at any time when you had any conversation—any discussion—on the Colorado situation?

Mr. WELBORN. I don't recall of any other gentlemen that were present until on Saturday. This evening's engagement at Mr. Rockefeller's house was on Thursday. I met Mr. Neil, former labor commissioner, and Mr. Davies, with Mr. Murphy, I think, at Mr. Murphy's office, 26 Broadway.

Chairman WALSH. And there was present in that conversation, then, Mr. Charles P. Neil, former labor commissioner—what is his business now?

Mr. WELBORN. I believe he is connected with the American Smelter & Refining Co., known as the Guggenheim Smelter.

Chairman WALSH. Now, then, there was Mr. Charles P. Neil. Who was the other gentleman?

Mr. WELBORN. Mr. Davies—Hywel Davies.

Chairman WALSH. And who else?

Mr. WELBORN. Mr. Murphy.

Chairman WALSH. Who else?

Mr. WELBORN. Myself.

Chairman WALSH. And yourself?

Mr. WELBORN. Yes.

Chairman WALSH. Was the Colorado situation discussed at that time?

Mr. WELBORN. Yes; it was.

Chairman WALSH. The details of it?

Mr. WELBORN. No; I could not say the details.

Chairman WALSH. The occurrences?

Mr. WELBORN. The question that was discussed primarily at that time was the interview with the President, the correspondence that brought about the interview with the President.

Chairman WALSH. Have you had any conversation with Mr. King since that day, or at any time with any person else when Mr. King was present?

Mr. WELBORN. No; I have not.

Chairman WALSH. You have had some correspondence with them; I believe a letter passed between you?

Mr. WELBORN. Yes.

Chairman WALSH. That is all the correspondence that you have had with Mr. King?

Mr. WELBORN. That is all I have had; yes, sir.

Chairman WALSH. You have presented it here to the commission?

Mr. WELBORN. Yes.

Chairman WALSH. Now, I have had you present a number of letters here, correspondence which you have been kind enough to present here.

Mr. WELBORN. Yes.

Chairman WALSH. Between yourself and John D. Rockefeller, jr., or between yourself and Mr. W. L. Mackenzie King; between yourself and Mr. Starr J. Murphy, and between yourself and Mr. McClement—what are his initials?

Mr. WELBORN. J. H.

Chairman WALSH. And Mr. J. H. McClement. Now, I will ask you, if you will, please, to take this correspondence, handed to you by Mr. Dower, and just describe so that it may go into the record and be identified, beginning with the first date; for instance, the first letter will be dated Ottawa, Ontario, October 3, 1914, from W. L. Mackenzie King to J. F. Welborn. Just describe it in that way, and I will have it identified, and then later I will ask you particular questions and try to avoid reading all that I can.

Mr. WELBORN. Very good.

Chairman WALSH. Just describe them into the record and then hand them to the stenographer.

Mr. WELBORN. The first is a letter from W. L. Mackenzie King, dated Ottawa, Ontario, October 3, 1914, addressed to J. F. Welborn.

The reply is dated October 9, 1914, addressed to Mr. W. L. Mackenzie King, and signed by J. F. Welborn.

(Said correspondence is as follows:)

[Canadian Association for International Conciliation. W. L. Mackenzie King, chairman organizing committee. Address: The Roxborough, Ottawa, Canada.]

OTTAWA, ONTARIO, October 3, 1914.

J. F. WELBORN, Esq.,

President the Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: My brother's address is 1601 Poplar Street, Denver. It was extremely kind of you to say that you might drop in and have a word with him when riding in that direction. I am sure he will more than welcome this kindness, which will be a kindness to me as well.

It was a real pleasure to me making your acquaintance in New York. While our spheres of work are different, I feel from the talks we had together we have much in common, and I look forward to the pleasure of seeing you off and on, and of corresponding occasionally through the years to come.

With kind regards, believe me,

Yours, very sincerely,

W. L. MACKENZIE KING.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 9, 1914.

MY DEAR MR. KING: I am very, very glad to have your letter of the 3d instant giving me your brother's address, and assure you I shall very soon take the opportunity of calling upon him.

I reciprocate your feeling of satisfaction at making my acquaintance, and shall welcome the time when we have an opportunity of meeting frequently, for I know that it will be worth much to me to have the benefit of your views and experience in connection with the work of cooperation between ourselves and our employees, which I recognize must become an important feature of our future operations.

Nothing of moment has developed in connection with our affairs since I left you in New York. I have a strong feeling, however, that Washington is not going to press the truce proposal any further without some material modification.

Personally, of course, I hope they will not ask us to consider that particular plan in any modified form.

Arrangements have been made for winter quarters for the Federal troops and their horses, and in my judgment there is no reason to fear the withdrawal of the troops in the near future.

After you reach New York I have no doubt you will be able to keep more or less in touch with our matters in which you may be particularly interested, yet I hope you will feel free to write me concerning any phase of the matter about which you may desire information.

With kind regards and best wishes,

Yours, sincerely,

Mr. W. L. MACKENZIE KING,

*Chairman Canadian Association for International Conciliation,
Ottawa, Ontario.*

Mr. WELBORN. The next is a copy of a letter dated June 9, 1914, at Denver, addressed to Mr. John D. Rockefeller, jr., signed by J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 9, 1914.

MY DEAR MR. ROCKEFELLER: Mr. Bowers has forwarded me the letter received from you, written by Mr. John P. Brockway, of Denver, which I inclose herewith.

I have no comment to make on Mr. Brockway's proposition other than to say that the property in which he attempts to interest you is bonded for six or seven hundred thousand dollars, which under existing conditions is, I imagine, two or three times its actual value. The policy of Mr. Schaffer's Denver papers, particularly with respect to the Ludlow outbreak and the incidents immediately following it, has unquestionably further decreased his popularity in Colorado. The space in these papers occupied by the larger

6674 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Denver advertisers has grown noticeably less, and it is a matter of common report that both papers are losing money rapidly.

Yours, very truly,

Copy sent to L. M. B.

Mr. JOHN D. ROCKEFELLER, Jr.,

26 Broadway, New York, N. Y.

Mr. WELBORN. Letter addressed to J. F. Welborn, August 3, 1914, signed by John D. Rockefeller, jr. The reply dated August 19, 1914, addressed to John D. Rockefeller, jr., signed by J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,

New York, August 3, 1914.

DEAR MR. WELBORN: Inclosed please find a letter just received from Mr. Gerry S. Lawrence, first lieutenant, Troop B, Colorado National Guard. This letter is of such a character that I should be glad to have your advice as to what, if any, reply to make.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. A. WELBORN,

President Colorado Fuel & Iron Co.,

Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 19, 1914.

MY DEAR MR. ROCKEFELLER: Since the receipt of your letter of the 3d instant, inclosing one from Gerry S. Lawrence, first lieutenant, Troop B, Colorado National Guard (herewith returned), I have been endeavoring to secure some information that would justify the charges made by Mr. Lawrence, but so far have been unsuccessful.

I have seen Mr. Lawrence only once, and that was on the occasion of his coming to my office to secure cash on his State warrant after the appropriation had been made by the extra session of the legislature. I had a few moments' conversation with him at that time, when I took occasion to congratulate him on the good work he had done, and unless I am mistaken, he expressed satisfaction at the treatment he received at the hands of our employees in the district where he was stationed. He did not refer to the subject covered by his letter to you, and I doubt the correctness of his statements.

I would be glad, however, to have an opportunity to talk with him about the matter, as possibly in a personal interview he would be somewhat more specific in his charges than he was in the letter. Therefore, if you can see your way clear to do so, I would suggest that in your reply to his letter you advise him to call on me, giving him the assurance that I will make a thorough investigation of his complaint.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,

New York, N. Y.

Mr. WELBORN. Letter dated November 10, 1914, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated November 13, 1914, addressed to John D. Rockefeller, jr., signed J. F. Welborn.

In connection with the subject matter of those two letters there is a copy of one dated November 13, 1914, addressed to E. H. Weitzel, manager of the fuel department of the Colorado Fuel & Iron Co., signed by J. F. Welborn.

The fourth letter of that file is dated November 17, 1914, addressed to J. F. Welborn, signed John D. Rockefeller, jr.

(Said correspondence is as follows:)

26 BROADWAY,

New York, November 10, 1914.

DEAR MR. WELBORN: You may be interested to read the inclosed letter from William Park Athey, Holly, Colo., and if you have any suggestions to make as to a reply I will be glad to have your advice.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,

Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER 13, 1914.

MY DEAR MR. ROCKEFELLER: I return herewith letter of William Park Athey, received with yours of the 10th instant.

We have found it necessary to cash a good many of the certificates of indebtedness issued to members of the State militia, or have considered it advisable to do so, and if this young man's circumstances are as he has stated them I believe we should accommodate him.

I suggest, therefore, that you refer him to me, and by the time he receives your reply I will have learned enough about him to know whether or not we are justified in taking up his certificates.

These certificates are exchangeable for State warrants bearing 4 per cent interest.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER 13, 1914.

Mr. E. H. WEITZEL,
Manager Fuel Department, Pueblo, Colo.

DEAR SIR: Mr. Rockefeller has written me about a young man, William Park Athey by name, who claims to have been in the militia from Holly, Colo., and to have two certificates of indebtedness amounting to \$41 which he desires to have cashed. He claims to be the support of a mother and two sisters and to be in straitened circumstances.

Did you know the young man, or can you learn anything about him? Also, do you know of any reason why we should not cash his certificates?

Yours, very truly,

26 BROADWAY,
New York, November 17, 1914.

DEAR MR. WELBORN: I have your letter of November 13 returning the letter of William P. Athey, and have written him as per the inclosed copy.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN. Letter dated June 9, 1914, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated June 16, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

NEW YORK, June 9, 1914.

DEAR MR. WELBORN: Mr. Elbert Hubbard, of East Aurora, you probably know by reputation and by his writings. On May 3 Mr. Hubbard wrote me as follows:

"DEAR MR. ROCKEFELLER: I have been out in Colorado and know a little about the situation there. It seems to me that your stand is eminently right, proper, and logical. A good many of the strikers are poor, unfortunate, ignorant foreigners who imagine that there is a war on and that they are fighting for liberty. They are men with the fighting habit, preyed upon by social agitators.

"I am writing something on the subject a little after the general style of my article on 'The copper country,' in the Fra Magazine for May. I mail you a copy of the Fra to-day. I believe you will be interested in what I have to say about the situation in northern Michigan.

"Just now it seems very necessary that some one should carry on a campaign of education, showing this country, if possible, that we are drifting at present in the direction of L. W. W. socialism.

"Are you interested in distributing a certain number of copies of the Fra containing my article on the Colorado situation?"

"Also, what do you think of the inclosed booklets? I have distributed these on my own account up to the extent of nearly a million, but I have not the funds to distribute a million more, as I would like to do.

"Any suggestions from you in the line of popular education will be greatly appreciated.

"With all kind wishes, I am ever,

"Your sincere,

"ELBERT HUBBARD."

To which I replied on May 7 as follows:

"MY DEAR MR. HUBBARD: Your letter of May 3 is received. I thank you for your words of approval in connection with my stand on the question of the rights of the independent worker.

"I have looked over the May number of the Fra which you have sent me with interest, and shall be glad to see the article which you are proposing to write regarding the Colorado situation.

"Very truly,"

He wrote me again on May 27 as follows:

"DEAR MR. ROCKEFELLER: On May 3 I sent you a copy of the copper country number of the Fra Magazine. Our friends up north have distributed a large number of these, sending the magazines out from here duly blue-penciled.

"I have upward of a million names of members of boards of trade, chambers of commerce, advertising clubs, rotarians, jovians, school-teachers, all judges, Members of Congress, etc.

"It seems to me that we could well afford to circulate a certain number of copies of the Fra containing a judicious and truthful write up of the situation in Colorado. The price of extra copies of the Fra is \$200 a thousand.

"I expect to be in New York City next week and will call on you and talk this matter over in detail if it is agreeable to you.

"Just here I can not refrain from expressing my admiration for the advertising genius displayed by those very industrious, hard-working people, Bill Haywood, Charles Moyer, Mother Jones, Emma Goldman, Lincoln Steffens, and Upton Sinclair. They are continually stating their side of the controversy. I believe if we would state ours, not, of course, in the same way or with the same vehemence, that we would be benefiting the world to a very great degree.

"With all kind wishes, I am ever,

"Your sincere,

"ELBERT HUBBARD."

I replied on May 30:

"DEAR MR. HUBBARD: Your letter of May 27 is received. I have read various of your writings from time to time with interest.

"The matter of publicity in connection with the Colorado situation is very properly being handled by the operators in Denver. Any suggestion, however, which you have to make I shall be glad to receive and pass on to them.

"I note that you are to be in the city within a few days and that you will call at my office.

"Very truly."

Since which time I have received a letter from him under date of June 8, as follows:

"DEAR MR. ROCKEFELLER: Your kind letter of May 30 received.

"I expect to be out in Denver within a few weeks, and I wish you would send me the name of the publicity man to whom your letter refers. I will then get in touch with him direct.

"I had a delightful game of golf with your father on Saturday. How fine and brown and well and strong he is.

"With all kind wishes ever, I am,

"Your sincere,

"ELBERT HUBBARD."

And have written him to-day as follows:

"DEAR MR. HUBBARD: Your letter of June 8 is received. I note that you are to be in Denver within a few weeks.

"In answer to your inquiry for the name of the publicity man representing the coal operators, I would suggest that you see Mr. Welborn, president of the Colorado Fuel & Iron Co., who is the chairman of the committee of operators in charge of publicity matters.

"Father has spoken of your visit to Tarrytown the other day and of the good game of golf which you had together. He is, indeed, in the best of health.

"Very truly."

I am also inclosing a copy of "A message to Garcia," which will show you Mr. Hubbard's style if you have not happened to see any of his writings of late.

I have spoken to Mr. Lee about Mr. Hubbard. His advice is to give Mr. Hubbard every facility for seeing and learning whatever he may care to know about the coal situation, and to have it distinctly understood that he is making this study entirely on his own initiative and at his own expense. If, after he has produced his article and you have read it, it seems to you something worth distributing, an arrangement for such distribution can be made with him.

I have not seen Mr. Hubbard nor given him any encouragement in this matter, other than as set forth in the above correspondence.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,

President Colorado Fuel & Iron Co., Denver, Colo.

DENVER, COLO., June 16, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 9th instant quoting correspondence had with Mr. Elbert Hubbard, of East Aurora, respecting his proposal to publish something in his *Fra* concerning the coal strike.

Through Mr. Henry M. Porter, one of the pioneers and successful business men of Colorado, I recently learned of Mr. Hubbard's intention regarding our strike. Mr. Porter is one of the substantial men of Colorado who has been saying a good word for our cause wherever and whenever he could, and has rendered some substantial financial assistance in certain desirable quarters. He was anxious to assist in distributing a thousand copies of the *Fra* which is to contain the Colorado article, as an encouragement to Mr. Hubbard, and for that purpose offered to contribute \$50. Largely because of his interest in the matter, the coal operators agreed to contribute the remaining \$150.

Mr. Hubbard's price for extra copies of his publication is, to my mind, high, although if, as I understand, the *Fra* has a wide circulation, it will in the natural course reach a great many people who are undoubtedly anxious to learn the facts concerning Colorado's strike troubles. I furnished Mr. Porter a good deal of data covering important facts in connection with the strike, to be forwarded to Mr. Hubbard, and we can determine after he has produced his article whether or not we should go any further than we already have in enlarging its distribution.

I am obliged to you for sending me a copy of "A message to Garcia." I read it at the time it was first published and have frequently quoted it since, but lost my original copy and therefore am especially glad to have a new one.

Yours, very truly,

J. F. WELBORN.

Mr. JOHN D. ROCKEFELLER, Jr.,

New York, N. Y.

Mr. WELBORN. Letter dated October 19, 1914, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated October 22, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 22, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 19th instant inclosing the letter written by Mr. Easley, of the National Civic Federation, which Mr. Lee forwarded to you and which I am now passing on to him. Mr. Easley's comments in connection with our situation are very interesting. I am not, however, able to believe in the sincerity of Mr. Davies as I once was, and therefore question whether or not the course of the President would have been any different if Mr. Davies had not been ill.

From the reference made by Mr. Easley to John Mitchell and Samuel Gompers I assume that they are not regarded as sympathizing with socialism. This may be true, yet in the general course of labor organizations I think these gentlemen and their followers act with the socialistic element.

Sincerely, yours,

To JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

26 BROADWAY,
New York, October 19, 1914.

DEAR MR. WELBORN: Mr. Lee has sent me the inclosed letter of October 10 to him from Mr. Easley, secretary of the National Civic Federation, with the request that I pass it on to you, asking you to return it to him when you have read it. I know you will find the letter interesting, as we have.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN: Letter dated Seal Harbor, August 29, 1914, signed John D. Rockefeller, jr., addressed to J. F. Welborn. Reply dated December 2, 1914, addressed to Mr. Rockefeller, signed by J. F. Welborn.

(Said correspondence is as follows:)

THE EYRIE,
Seal Harbor, Me., August 29, 1914.

DEAR MR. WELBORN: I am in receipt of your letter of August 25, also the copies of the coal operators' brief and the union's brief, for which I thank you. I fully understand how difficult it was for those having to do with the former to remain absolutely temperate and judicial in their language. The provocation to do otherwise has been almost beyond human power of resistance, and I wonder that the brief was kept so temperate in language as it was. My suggestion was entirely from the point of view of the impression likely to be made by the document upon the court and public. They will receive it in cold blood and might be inclined to construe any expressions, even slightly colored, as indicating prejudice on the part of the operators. I am sure you did not misunderstand the spirit of my observations.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

SEPTEMBER 2, 1914.

DEAR MR. ROCKEFELLER: I am in receipt of yours of the 29th ultimo acknowledging mine of August 25, with which I inclosed copies of the operators' brief and the union brief.

I assure you I fully understood the spirit of your former letter on certain passages in the coal operators' brief. Your observations were welcome, and all must admit were well made.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

Mr. WELBORN. Copy of letter of August 20, 1914, addressed to John D. Rockefeller, signed J. F. Welborn. Reply of August 28, 1914, dated at Seal Harbor, Me., addressed to J. F. Welborn, signed by John D. Rockefeller, jr. Answer to the last letter, dated September 1, 1914, addressed to John D. Rockefeller, jr., Seal Harbor, Me., signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 20, 1914.

MY DEAR MR. ROCKEFELLER: I am in receipt of yours of the 11th instant inclosing extract from a letter of W. L. MacKenzie King, dated August 1, suggesting the adoption of certain machinery providing for easy access on the part of fuel company employees to its officers, and asking for an expression of my views on the subject covered.

Before considering Mr. King's suggestions, I want to outline, as briefly as possible, the relations existing between ourselves and our men for some years prior to the strike. We had, as you know, for years spent a great deal of time and money in improving conditions about our plants, and the men had come to realize that wages, living conditions, and general treatment accorded them by superintendents—in short, all working conditions at Colorado Fuel & Iron Co. mines—were not only better than they had found in other States, but were more favorable than at mines of other companies in this State. The result was that our mines were fully manned at times when there was a general shortage of coal-mine labor in the State. More attention had been given to the general character of mine superintendents and their treatment of the men under them than was the case in the earlier days of coal mining here, and the former arbitrary attitude assumed by some superintendents toward the men had been practically discontinued. In fact, so far as we know, there was in our employ at the time of the calling of the strike but one superintendent who was unnecessarily arbitrary or severe with his men. He had shown the disposition, as well as the ability, to improve, and because of his general fitness in other directions was retained in our service until recently. In an effort to popularize our mines as working places, our superintendents were in active competition with each other, as well as with superintendents of competitive companies. That the men working for our company appreciated all of this was shown by their expressions of satisfaction with working conditions and opposition to the strike agitation; by the fact that many of them went to the superintendents after they became convinced that a strike would occur, but before it was called, and gave notice of their intention to cease work and leave the State in order to avoid a participation in the trouble that they knew would take place; and by the further fact that hundreds of them who had declared their purpose of ignoring the strike call later freely advised their superintendents that because of threats made against them and their families they must leave, but would come back when the strike was over.

I do not mean to imply that absolute satisfaction existed at our camps, for among approximately 6,000 men employed at the coal mines and coke ovens, most of whom were foreigners, it is, of course, perfectly natural that some should be of the discontented class, almost never satisfied with anything, and that at times others perhaps had just grievances. We believe, however, that by the means employed for years the officers of the company were able to keep in close touch with the relations between the workmen and the superintendents and detect, very soon after it occurred, any failure on the part of the superintendent to strictly observe our regulations with respect to the treatment of the men. I am very sure that I am well within the facts when I say that the percentage of dissatisfaction was low in the extreme and not such as to make advisable at that time any system of arbitration.

This was the condition when the strike was called, and nothing that has occurred since then had made the men, except the comparatively small number out on strike, less friendly toward us. On the contrary, those who remained at work and withstood the threats and attacks of the lawless element have, I am sure, a greater feeling of loyalty toward the company than before the strike was called. This is very well shown by the freedom and, in fact, insistence with which they took up arms in protection not only of themselves but our property during the period of numerous attacks immediately following the outbreak at Ludlow on April 20.

I was very much impressed with Mr. King's thorough presentation of the merits of what might be termed a conciliation board, and have carefully reread his propositions a number of times. A plan somewhat similar in form was suggested by Secretary of Labor Wilson when he was in Colorado the latter part of November, and following the meeting between the three striking miners and

representatives of the operators, a part of which he (Wilson) attended. I have no doubt Mr. King's plan would be effective in cases of frequent disputes between the employed and employer, or where there was a general recognition of union labor without the "check off" and exclusive rights of the members of the union that are a part of the policy of the United Mine Workers of America.

It seems to me, however, that the adoption at this time by the Colorado operators of such a plan as Mr. King suggests would weaken us with our men; would tend to strengthen the organization with our employees not now members of it; and would, in the minds of the public, be an admission on our part that a weakness, the existence of which we had previously denied, was being corrected.

The strike of our coal miners was literally forced upon them against their wishes by people from the outside. I imagine that some people, more or less intimately connected with labor conditions in other parts of the United States, but uninformed as to our affairs, would accept this statement with a good deal of allowance, but I contend that it is absolutely correct as made, and that, being true, no arbitration or conciliation board operating between workmen and employers could have prevented the calling of this strike.

I am interested in what you say about the results of Mr. King's labors in Canada in connection with strikes, and hope to some time have the opportunity of discussing work of this character with him. It seems to be unnecessary, however, for him to come to Colorado at this time, for my opinion, as indicated above, is that it would be inadvisable to undertake a plan such as Mr. King suggests while the coal strike is in an unsettled state. We know there is no demand on the part of our men—at any rate, none of moment—for a board to arbitrate or handle possible differences between them and the mine officers. Whatever demand there may be of that character comes from the uninformed public and is an opinion, rather than a demand, based on misinformation as to conditions surrounding the Colorado strike.

I think that the views expressed by those from whom I have received letters inspired by the bulletins are somewhat significant, and practically all of these have, while commending the coal mine committee for setting the facts before the public, approved the general policy that the operators have pursued.

Mr. Bowers, Mr. Weitzel, manager of our fuel department, and I have considered the advisability of at some time inaugurating a plan to be represented by the proper committee, by which our men could, when they considered it necessary, reach the higher officers of the company on matters in which they were concerned. We were prompted to the consideration of this because of the charge frequently made during the past few months—which as to the C. F. & I. Co. is false—that the workmen could not reach the officers of the company on any matter without fear of discharge by the superintendent, and by the fact that this charge seemed to make an impression on some of those who were naturally favorably disposed toward our side of the controversy and toward our general policy. We have thought that whatever we do in this direction should be done after the strike is over and as a natural forward step from or development of our past liberal policy toward our men. Above all, it seems to me that we should avoid a course that would, in the minds of the public, justify the charge that we had been forced by the United Mine Workers of America into giving our employees something radically different and better than they had previously enjoyed. Mr. Lee is now working on some bulletins of an introductory nature, to be posted at our mines, from which we can work into a broader scheme of cooperation, as seems advisable.

In normal times we have considered that our interests were best served, generally speaking, by pursuing a course independent of the other operators. During the strike, however, there has been very satisfactory cooperation among all of the operators, except the few who signed up with the miners' organization; yet I do not feel that that cooperation should be extended to cover our plans, as herein outlined, to which many of them might object, and in the operation of which I fear good faith would not always be shown.

I have delayed answering your letter for the reason that I wanted to take time to consider the question presented in all of its phases. In expressing my views I have attempted to be as unprejudiced as circumstances would permit, and have tried to be governed by feelings that could not be considered arbitrary.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, *New York, N. Y.*

THE EYRIE,
Seal Harbor, Me., August 28, 1914.

DEAR MR. WELBORN: Your full and interesting letter of August 20 is received. We have never questioned the relations existing between the officers of the fuel company and the employees, both from statements made by the executive officers and the various official reports which have been issued. We have always believed that the fuel company stood out as conspicuous, because of the great care given this very question. I am sure you will understand, therefore, that no thought of criticism led to the suggestions made you in my earlier letter. I fully understand your point of view and quite agree with your conclusion that however desirable some such plan as suggested by Mr. King may be for future consideration, in order to give additional assurance that any just cause of complaint by an employee can be brought to the attention of the officers, it is not desirable to take the subject up at this time.

Mr. Greene, who has taken Mr. Gates's place in our office and who has no personal knowledge of the fuel company's properties, has for many months been desirous of going to Colorado to familiarize himself with the mills and mines simply for his own information. Mr. Murphy has also wanted to make this trip. Thus far we have felt that for any representative from our office to be known as visiting Colorado might be misconstrued by the public and used to our disadvantage or the disadvantage of the company. Do you think that would still be true at this time, or do you believe that Mr. Greene could go to Colorado quietly within the next month or two without prejudicing the situation? Please write me quite frankly your opinion. It is not at all vital that he should go, the sole value of the trip would be to give him a better knowledge of the properties owned by the company, so that he could take more helpful part in our councils.

Very sincerely,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

SEPTEMBER 1, 1914.

MY DEAR MR. ROCKEFELLER: I have your good letter of August 28 and am very much pleased that you agree with the views expressed in my letter of August 20 concerning the plan of cooperation between ourselves and our employees presented by Mr. King.

It never occurred to me that the suggestions in your former letter on this subject implied any criticism whatever of any of us on the ground, and I hope my letter of August 20 did not indicate such a feeling. I am sure that this question is large enough to justify consideration by all of us, and whether we agree or not I shall always value your suggestions.

Referring to the latter part of your letter regarding a proposed trip of Mr. Greene to Colorado for the purpose of familiarizing himself with our operations, I am sure that if certain of our Denver papers learned of Mr. Greene's presence in Colorado and at the same time knew that he was one of our directors from 26 Broadway, they would, for the purpose of encouraging the strikers, make it appear that Mr. Greene was very probably here to negotiate an adjustment of the strike. It is my opinion, however, that Mr. Greene could come to Denver and make a trip to our properties in the near future without his presence here or his connection with your affairs becoming generally known. Mr. Lee spent three weeks here without any comment being made about him through the press.

It is hardly necessary to say that I should like very much to see Mr. Greene in Colorado, and whenever he comes we will all take pleasure in assisting him to acquire the greatest possible information concerning our operations.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

Mr. WELBORN. Another letter of August 19, dated at Seal Harbor, Me., addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated August 25, addressed to John D. Rockefeller, jr., signed J. F. Welborn.

(Said correspondence is as follows:)

THE EYRIE,
Seal Harbor, Me., August 19, 1914.

DEAR MR. WELBORN: Please send me two or three additional copies of the coal operators' brief, also of the mine union's brief, if obtainable. I have just read the former with much interest. It is comprehensive, direct, and clear. I am wondering whether the brief would not have been just as forceful and perhaps more dignified if certain sarcastic expressions had been omitted, which seem to me do not add strength and might irritate; such clauses as on page 19, line 8, "that very estimable organization"; page 28, "causes of the strike," latter part of second paragraph; page 46, line 13, large type, "The dear people," etc.

I presume you have given Mr. Lee copies of both of these briefs. He should have them.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 25, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 19th instant and am forwarding to you, under separate cover, five copies of the coal operators' brief. I am unable at the moment to secure any copies of the mine union's brief, but have taken steps to secure two or three copies of this, which I think I will have within a few days and will forward as soon as received.

Mr. Lee has a copy of our brief, but so far we have been unable to obtain one of the others for him, though he says he can secure a copy in Washington; and it may be that I can obtain copies for you only through his efforts.

I think your criticism of certain passages in the coal operators' brief is fully justified, and I suppose the operators themselves might well be charged with responsibility for their appearance in the document. I took occasion to carefully read the first draft of the brief as soon as it was prepared, suggesting changes, and a few days later three members of the operators' committee and all of the attorneys interested went over it section by section. As a result of this a number of changes were made, more in language than in material points. Judge Northcutt, the real author of the brief, had devoted a number of days, including a substantial part of the nights, to the preparation of the brief, and I know there was some delicacy in suggesting corrections in language, although, as indicated before, we did it in a number of cases.

We should all have been sober-minded enough to have prevented anything that would savor of a lack of dignity finding its way into the brief, but so many things have happened during the strike to "upset" us or throw us "off from our feet," that I fear some of us may have become less dignified in our daily work than heretofore.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

FOOTNOTE (LATER).—I have just secured and am forwarding one copy of the original brief of the striking miners and two copies of their reply brief.

Mr. WELBORN. A letter of August 6, 1914, from 26 Broadway, New York, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated August 10, addressed to Mr. John D. Rockefeller, jr., signed J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, August 6, 1914.

DEAR MR. WELBORN: In a recent letter from Mr. Greene, he speaks of the Rev. A. A. Berle, whom Mr. Charles Loughridge had met in Denver and had conversed with regarding the strike situation. In view of what you have recently written me about Mr. Berle, I think you will be interested in the following comment which Mr. Greene makes regarding him:

"Rev. A. A. Berle, to whom Mr. Loughridge refers, is a Boston minister, a Universalist, I think, of decidedly socialistic and cranky proclivities. He is not a man that I should want to have much to do with personally, but if he has reached conclusions of the sort intimated by Mr. Loughridge, it will be a good stroke for the operators, for his natural prejudices would be against us."

Evidently Mr. Greene has known of Mr. Berle in Boston. This is only for your information.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 10, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 6th instant regarding the Rev. A. A. Berle, and note Mr. Greene's comments and reference to him.

We have met with so many disappointments in connection with the attitude of people of influence concerning the strike that I have ceased to be very optimistic as to anyone, yet if Mr. Berle expresses himself, through any of the eastern publications with wide circulation, in accordance with the opinions freely expressed to Mr. Loughridge and others while in Denver, we will have a right to feel well satisfied with his trip to Colorado.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

Mr. WELBORN. This file starts with letter dated August 7, addressed to J. F. Welborn, Denver, Colo., signed the Labor News of Colorado Springs. Letter of August 18, 1914, addressed to C. J. Haase, manager Labor News, Colorado Springs, signed by J. F. Welborn. Letter of August 7, from 26 Broadway, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated August 18, to Mr. Rockefeller, signed by J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, August 7, 1914.

DEAR MR. WELBORN: I inclose herewith a letter from C. J. Haase, written on behalf of the Labor News of Colorado Springs. Why the Labor News should make this request of the Rockefeller Foundation, we are at a loss to know. Perhaps you can give us some light on the situation, together with your advice as to what, if any, reply should be made to the letter and the blank which is attached.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

[The Labor News. Official organ Federated Trades Council, State Federation of Labor, and affiliated organizations.]

COLORADO SPRINGS, Colo., August 7, 1914.

Mr. J. F. WELBORN,
Boston Building, Denver.

DEAR SIR: We have been receiving your bulletins and have noted much of interest in them.

We are as anxious as you to have the truth known to our readers, but we haven't the cash to spread it as we would like to. Will you donate, say, \$200 to aid us in publishing these bulletins or extracts from them, that our readers all over the Pikes Peak region, hundreds of them, may know the truth?

Very truly, yours,

THE LABOR NEWS,
C. J. HAASE, *Manager.*

6684 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 18, 1914.

MY DEAR MR. ROCKEFELLER: I have delayed answering your letter of the 7th instant, with which you forwarded a letter from the Labor News of Colorado Springs, and which I return herewith, until I could secure some information about the standing of the paper in the community which it seems to serve.

My investigation shows that the paper has a very limited circulation, even in Colorado Springs, where it is published, and practically no influence there or elsewhere with the labor element. It is looked upon by some people in Colorado Springs as a paper which, for a small consideration, frequently reproduces portraits and publishes articles of political candidates or others seeking popularity.

It does not seem probable that the paper has sufficient circulation or influence to justify us in paying it anything to publish our bulletins, and acting on that assumption I have declined a request similar to the one sent to you.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

AUGUST 18, 1914.

Mr. C. J. HAASE,

Manager the Labor News, Colorado Springs, Colo.

DEAR SIR: In reply to yours of recent date, answer to which has been delayed because of a large accumulation of correspondence on my desk, I would state that while we appreciate your disposition to publish the facts concerning the Colorado coal strike and to use our bulletins as a basis, we can not see our way clear to pay anything for that service. All publication of this matter so far made by newspapers or periodicals has been gratis.

Yours, very truly,

Mr. WELBORN. Letter of July 21, from John D. Rockefeller, jr., written at Seal Harbor, addressed to J. F. Welborn. Reply dated July 27, addressed to Mr. Rockefeller, signed by J. F. Welborn.

(Said correspondence is as follows:)

THE EYRIE,

Seal Harbor, Me., July 21, 1914.

DEAR Mr. WELBORN: The inclosed article from the New York Times of Sunday leads me to ask what, if any, progress is being made looking toward the termination of the strike. As I understand it, the congressional committee, of which Dr. Foster was chairman, has not yet made its report. Is it expected soon, now that the briefs of both sides have been submitted?

What was accomplished by the visit of Messrs. Fairley and Davies? Is anything further expected as a result of that investigation? Is the committee of the Colorado State Legislature appointed to look into the strike doing anything? Do you expect any definite results from their labors?

Are there any other forces at work which you have reason to believe would be helpful in settling the strike? Do you see any prospects of its dying a natural death? I hope you are keeping well and holding your own against the severe and prolonged strain which you have been under these many months. You are frequently in our thoughts and always with warm and high regards.

Very sincerely,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 27, 1914.

DEAR Mr. ROCKEFELLER: I am in receipt of yours of the 21st instant inclosing an article from the New York Times of Sunday the 19th, which quotes from the

reply brief of the United Mine Workers of America in the investigation before the congressional committee, of which Dr. Foster was chairman. It would seem fair to assume that Dr. Foster will make a report in the near future, yet when Attorney Gove, who has been working for the operators since the strike commenced, was in Washington some time ago he heard gossip tending to indicate that the congressional committee might make no report whatever.

Messrs. Davies and Fairley have not completed their investigation and seem to be disposed to move slowly. They were here about three weeks in May, during which time they talked to the mine organization officials and the operators, Fairley interviewing the former and Davies the latter. They also on that trip visited several of the most important mines in company with our mine manager and representatives of other companies. They returned East and did not come back until the latter part of June, when Davies took up with operators, in a formal way, the question of furnishing a mass of detailed information respecting our operations. So much time was required for the compilation of the matter asked for that they decided to again return to their homes and come back the latter part of this month. They have not as yet arrived, but I expect them most any day.

It will be comparatively easy for the small operators to furnish the information desired by Davies and his associate, but will require at least a month for us to prepare our figures. A few of the operators have seemed disinclined to comply with Davies's request, but I believe that the information which we would furnish in answer to the questions of Davies and Fairley would serve to make a record favorable to our interest, for surely the truth concerning our affairs is the best story that can be told about us. It may help no more than the good record that I consider we made before the congressional committee, yet to decline to furnish the information would in all probability subject us to criticism. Moreover, we have the assurance of Davies that the information furnished will be for his personal use in the preparation of his report to the Secretary of Labor and that our papers will not go to the Secretary of Labor unless we are willing they should. Davies came here apparently with a favorable impression regarding the Colorado Fuel & Iron Co. practices. He advised me that Secretary of Labor Wilson had told him he would find conditions in the Colorado Fuel & Iron Co. camps generally satisfactory, and that in many ways we were doing things for the men not required by law. After Davies's personal inspection of the properties he told me that he found conditions much more favorable for the men and wages much higher than was the rule in the East. He was especially well pleased with the hospital and the treatment accorded our men at that institution. Although there are some reports that tend to discredit Davies's declaration of personal interest in the operators' cause, I feel obliged to consider him as fairly disposed toward us. I am not, however, encouraged to believe that he and Fairley will make a report that will aid in bringing the strike to a termination, unless it should be so strong in our favor that Secretary of Labor Wilson would practically reverse himself and advise the United Mine Workers' officials to call the strike off.

The Colorado legislative committee made a general investigation, after which it presented a long list of suggestions to the leaders of the miners' organization and the operators looking toward a settlement of the strike. The officers of the United Mine Workers advised the legislative committee that they could not consider the proposals of the committee for the reason that they were negotiating with Messrs. Davies and Fairley, whom they termed a "mediation committee." We were able to accept about half of the committee's suggestions, which were comparatively unimportant, but were obliged to decline to act on the others for the reason that their acceptance would have eventually placed us in the hands of the United Mine Workers' organization. We have good reason for believing that four of the six members of the committee were disposed to act on a suggestion which I made to them, that they indorse the governor's general policy in the strike and practically confirm the suggestions for termination of the strike, made by him after the meeting of miners and operators at which he presided on November 26, 1913. Of the remaining two members of the committee, one is a prominent Progressive, a supporter of E. P. Costigan, attorney for the U. M. W. of A., for governor, and would make no report that Costigan would not approve.

The other one is a Democrat from Pueblo who has an ambition to be governor and who would not indorse the views of the majority. The committee has made no report, and I shall not be surprised if it makes none until the legislature convenes in regular session this winter, unless in the meantime there should be some development in connection with the strike of a serious nature. In any

event, I do not anticipate that its labors will result in bringing the strike to a close or assist in that accomplishment.

While realizing that there are no other authorized or organized forces at work to end the strike. I feel that there is an unorganized movement of very material force from practically all directions which in the end will accomplish a great deal of good through the dissemination of the truth. I am now receiving daily from the East more inquiries and requests for information concerning the strike than came to me in any one month prior to April, and in almost all of these communications there is an expression of deep interest in our cause and words of commendation as to our course.

Dr. A. A. Berle, who is chairman of the social service commission of Massachusetts, and connected with Tufts College, spent about three hours with me Friday the 25th instant. The introduction was brought about by Mr. Charles Loughridge, of Denver, a friend of mine, who met Dr. Berle in California, and who is so deeply interested in the labor matters that he misses no opportunity to put our side of the case before people of influence. Dr. Berle is going to write an article on the strike situation for an early issue of the *Bibliotheca Sacra*, with which he is connected. He is lecturing before the Chautauqua at Boulder, Colo., this week, and I expect to see him again.

The prospect of the strike dying a natural death would, in my judgment, be good if the policy of the Government would permit the operators to freely employ such men as they require. That course would undoubtedly cause many of the old strikers, who are still good men and would be acceptable to us (and among whom there is a great deal of dissatisfaction over their treatment by the union), to forsake the strikers' colonies and return to the mines for work. We have good reason to believe that during the last week the question of change of policy of the Government has been under serious consideration. We know that the Army officers in charge have been asked for recommendations, and we think that their views harmonize with ours on this point.

I appreciate very much your expressions concerning my personal welfare. My health has never been better than during the past year and I am hardly conscious of any strain. The knowledge that we have your confidence and support makes everything else easy.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,

The Eyrie, Seal Harbor, Me.

Mr. WELBORN. Letter dated at Seal Harbor, June 27, addressed to J. F. Welborn, signed John D. Rockefeller, jr. Reply dated July 3, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

THE EYRIE,

Seal Harbor, Me., June 27, 1914.

DEAR MR. WELBORN: The anarchists and I. W. W. people have been agitating the Colorado situation in the village of Tarrytown, N. Y., where my father's and my own summer homes are located. We have had Burns men keep in touch with them.

At a meeting held in Tarrytown last Sunday, John Brown, who calls himself "Gen. Brown," was one of the speakers; in conference in the train afterward, Brown said to one of these detectives the following:

"He told me that his main purpose of coming East is on behalf of the United Mine Workers to follow the trail of Mayor Boughton through the Eastern States, whom he claims is in the East on behalf of the State of Colorado, telling the people one end of the controversy.

"He is undecided where is going from here, or if he will speak in New York again. I asked him if he believed in the general strike and forceful ways of obtaining desired ends in labor troubles. He said he believed to do things at the expense of the other fellow. By this he explained that if he saw anyone coming after him he believed in defending himself by all means.

"He claims that \$10,000 is the price put on his head by the mine operators in Colorado to keep him out of the mining district, but that they will have to 'go some' to get him, as he carries a gun with him all the time (without a permit), and the only way anyone could get it is smoking when they came after it. He explained that, being under indictment for murder, he is going to have the trial before the Federal courts, as one can always gamble that

their decision generally runs with the returns of last election; that if they were permitted to be tried by the State courts they would all be hanged. He seemed to be anxious for newspaper notoriety, and I promised to give him a big write up. He has a good line of argument as it will be seen from the attached statement, which undoubtedly has a great effect among certain classes.

"I asked him what he thinks of President Wilson's attitude in the matter. He said that President Wilson went as far as he could under the circumstances without interfering with the State rights, and that the next step they are desirous for him to do is to seize Colorado mines and operate them as Government-owned mines. I asked him if the Colorado settlement is anywhere near, and if they thought of winning the strike. He said he could not see the end of either questions, and that they may have the civil war in the State of Colorado over it."

I send this to you for what it is worth.

Very truly,

JOHN D. ROCKEFELLER, Jr.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 3, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 27th ultimo, quoting from a report made to you of a conversation had with "Gen. John Brown" at Tarrytown.

This man has been very active in the conduct of the coal strike and is believed to have participated, at least by specific advice, in some of the murderous raids made on coal properties and employees. He will not be able to have his case, under the indictments for murder, tried before the Federal courts, though he and others indicted with him may be able to secure a change of venue from Las Animas County.

His statement that the next step desired by his people on the part of the Government is that the mines should be seized and operated as Government-owned mines is in accordance with the statements generally made by strike leaders to the miners for the purpose of bolstering up the latter.

Our coal production is averaging a little better than it did immediately preceding the Ludlow outbreak of April 20, and with a smaller number of men. We attribute this, in large part at least, to the fact that since the Federal troops have come into the field the saloons in the mining districts have been closed, as a result of which the men not only work more continuously, but more efficiently while they are at work. A comparison of production during June with April shows an increase of about two-thirds of a ton per man per day. This means an average increase of 40 cents per day in earnings.

Yours, very truly.

Mr. JOHN D. ROCKEFELLER, Jr.,

The Eyrie, Seal Harbor, Me.

Mr. WELBORN. Here is a file that starts with a letter of Starr J. Murphy, dated September 8, 1914, addressed to J. F. Welborn. A letter addressed to John D. Rockefeller, jr., dated September 10, 1914, signed by J. F. Welborn. Telegram dated September 12, 1914, addressed to Starr J. Murphy, signed J. F. Welborn. Next in the file is a suggested form of letter accompanying Mr. Starr J. Murphy's letter dated September 15, addressed to J. F. Welborn. Reply to the letter of September 15 is dated September 18, addressed to Starr J. Murphy, signed J. F. Welborn. Next is a letter dated September 16, addressed to J. F. Welborn, signed Starr J. Murphy. Reply to that dated September 19, addressed to Starr J. Murphy, signed J. F. Welborn. The next in the same file is a letter of October 5, 1914, addressed to J. F. Welborn, signed Starr J. Murphy. Copy of reply dated October 9, addressed to Starr J. Murphy, signed J. F. Welborn. Another letter, October 5, addressed to J. F. Welborn and signed Starr J. Murphy. Reply dated October 9, addressed to Mr. Murphy and signed J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,

New York, September 8, 1914.

DEAR MR. WELBORN: We have read with great interest the President's letter on the Colorado situation, which is printed in the morning papers, a copy of

which, they say, was sent to you among others. It so happens that Mr. Rockefeller, jr., was at Tarrytown to-day attending the golden wedding of his father and mother, but is returning to Seal Harbor to-night. I have just had a few minutes' conversation with him over the telephone, and he has asked me to write you on his behalf.

The fact that the President of the United States has suggested a plan of settlement and has given it out to the public produces a delicate situation which we have no doubt you gentlemen in the West will handle in the same careful and diplomatic way with which you have handled the whole situation thus far, avoiding on the one hand any entanglement with the labor union, and, on the other, an attitude which would arouse a hostile public opinion. We are, of course, greatly interested, and if you think we can be of any service in helping you to prepare a reply we shall be most happy to collaborate on any draft of one which you may send us.

Mr. Rockefeller asked me to repeat his former expressions of approval of the position which you have heretofore taken with reference to having any one from this end come to Colorado for conference. He merely wished me to say that if, in your view, the publication of the President's proposition changes the situation so that you would now desire to have us do so, either I or Mr. W. L. Mackenzie King, or both, would arrange to come if you request it. He wished me to make it clear that this is not by way of suggestion, nor do we in any way urge it, but he simply wishes you to know that while we feel, as we have always done, that this is a matter which can best be handled by the executive officers of the company, nevertheless we at this end shall at any time be glad to cooperate in any way in which you think we can be of service.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,

President the Colorado Fuel & Iron Co., Denver, Colo.

SEPTEMBER 10, 1914.

MY DEAR MR. ROCKEFELLER: The uncertainties of railroad financing here have been so intensified by the war that I fear we are going to be almost without orders for rails during the last three months of this year. That period is always the one of lightest demand for rails, but heretofore we have been able, when the natural requirements would not keep us running during the last quarter of any calendar year, to secure orders from some of our railroad friends for shipment in that period in anticipation of their wants during the early months of the following.

I talked with Mr. Miller, late president of the Burlington, three weeks ago to-day in my office, and he agreed that as soon as he returned to Chicago from the trip he was then on into the Northwest, he would take the matter up and see if he could not give us a small order for early shipment. His unfortunate death, however, has placed this matter in the hands of other people, who very naturally are not disposed to act as quickly in our behalf as Mr. Miller had always been willing to do. I have taken the question up in about the same way with the Santa Fe and am hopeful of securing some order from them for shipment before January. Our sales manager, Mr. Chilberg, has gone to New York to see the Southern Pacific and Union Pacific people, but my hope of securing business from them for shipment prior to 1915 is not very strong. Mr. Bush, of the Missouri Pacific and D. & R. G., is, I know, disposed to help us with an order, but confidentially I think will not act until after the annual meetings of those roads.

For about three weeks we have been operating our rail mill on single-turn basis, which means a production of but from 12,000 to 15,000 tons per month, which is slightly more than 50 per cent of capacity. At this rate we can not keep the mill running more than three or four weeks longer. This is the most unfavorable condition of business that we have had at the rail mill for 15 years.

Conditions in the wire and nail business are happily much more satisfactory, yet at the best the sales in that department are not over 15 per cent of the normal output of the entire plant. Our wire and nails are shipped mainly into the agricultural States, and the trade that we have enjoyed this season fairly well illustrates the general prosperity with that class of trade. For the six months with August our sales of wire and nails were 10 per cent greater

than for the corresponding six months of last year, which was the best spring and summer business we had had in those lines.

As to coal production we show a small increase in August over July, which made it the largest month in point of production since the strike commenced. During the last two weeks a number of men have left the strikers' colonies and come back to work, with the result that yesterday we had a greater number of miners at work than at any time since the strike was called, and the production was correspondingly higher. If, as I fear, we are obliged to curtail our operations at the steel plant, we will have released enough coal and coke now going there to in all probability enable us to take care of the winter demand on us from coal customers, even though we do not materially increase our output at the mines.

The President's letter, which was addressed to Messrs. Osgood, Brown, and myself, with its three-year truce proposal, will engage our attention for several days. Except for formal acknowledgment, which will be mailed to-morrow, we will have to await a general meeting of the operators before complete answer can be made. The provision for reemployment of all strikers not found guilty of violation of the laws which, carried out literally, would involve the discharge of a good many faithful employees, and the condition calling for a mine grievance committee with the commission to be appointed by the President, which would virtually have charge of the conduct of our business, make it impossible to accept the President's suggestions. I hope the matter will take such a turn as to make it possible to secure a personal interview of satisfactory length with the President. I can not help but believe that he is not in possession of many of the important facts, and that if acquainted with all of the conditions he would lean less in the direction of the United Mine Workers' organization.

Prof. E. R. A. Seligman, of Columbia University, has been in Denver two or three days, and, at the suggestion of a mutual friend, called on me to-day for information concerning the strike. He showed every appearance of having an open mind in the matter, and was interested enough to ask questions on practically every important phase of it. Before he left he said he believed we would win and was convinced that we should. I regret that we haven't an opportunity of talking directly with more of the educators of the country who wield so large an influence in the formation of public opinion.

Yours, very truly,

J. F. WELBORN.

Mr. JOHN D. ROCKEFELLER, Jr.,
The Eyrie, Seal Harbor, Me.

[Telegram.]

SEPTEMBER 12, 1914.

STARR J. MURPHY,
26 Broadway, New York, N. Y.:

Your letter 8th, with suggestions and offer of assistance much appreciated. Am in telegraphic correspondence with Mr. Rockefeller concerning advisability of conference with President. It may be desirable for me to confer with you in New York. Would prefer that to your coming here for same reason that we thought it inadvisable for you to come some time ago.

J. F. WELBORN.

26 BROADWAY,
New York, September 15, 1914.

DEAR MR. WELBORN: I have taken the liberty of sending to you, merely by way of suggestion, a draft of a proposed letter from you as president of the Colorado Fuel & Iron Co. to President Wilson, which embodies my personal view of what it would be proper to say in case it should seem wise for our company to make a separate reply to the President's letter. My understanding, based upon newspaper reports, is that a separate letter was addressed to you, president of the Colorado Fuel & Iron Co., and this would offer an occasion, if it seemed best, for a separate reply. I should personally feel pleased if the time had arrived when our company could act independently, and as this is a reply to a communication from the President, and not from the labor union, should think it might properly be made for our company alone, particularly as it does not involve any departure from the principle of united resistance to the attacks of the union.

My principal thought in drafting the letter is to give expression to the idea that the company is perfectly willing to put into effect the substance of the affirmative recommendations of the President's commissioners, but is not willing to enter into any negotiations with the United Mine Workers of America with reference thereto. The company puts the question of enforcing the law squarely up to the public authorities, and refuses to make a deal with the labor union in order to secure the protection which it is entitled to under the law. My first thought was that our acceptance of the President's suggestions should be conditional upon the calling off of the strike. My later view is that such acceptance should be without conditions, taking the position that so far as we are concerned the strike is won; that the only remaining question is that of preserving law and order; and that if the authorities will do that it is a matter of indifference to us whether the strike is called off or not. So far as the mechanism for establishing a means of communication between the company and its employees is concerned, the suggestion is broader than that of the President's commissioners, and is, as I understand, in accordance with the views of yourself and Mr. Bowers as expressed in recent correspondence.

Knowing that this matter is now being considered in Denver, I am sending this draft to you without taking time to first submit it to Mr. Rockefeller, but am sending him a copy; so please understand that this is merely my personal view, and in any event it is merely by way of suggestion without in any way indicating a desire to depart from the policy which we have steadfastly maintained of leaving the decision of these questions to the executive officers.

With kindest regards to Mr. Bowers and yourself, I am,

Yours, very truly,

STARR J. MURPHY.

President J. F. WELBORN,
Colorado Fuel & Iron Co., Denver, Colo.

MY DEAR SIR: Your esteemed favor of September 5, addressed to me as president of the Colorado Fuel & Iron Co., with reference to the present labor troubles in the State of Colorado, was duly received.

On behalf of the company permit me to thank you for the continued interest which you have taken in this matter and for your earnest endeavor to reach a solution of the difficulties. Individually and on behalf of the corporation I wish to express cordial sympathy with your feeling that this is a time when everything should be done that it is possible for men to do to see that all untoward and threatening circumstances of every sort be taken out of the life of the people of the United States.

With reference to the specific recommendations of the commissioners of conciliation in the draft of the tentative basis for the adjustment of the strike, which is included in your letter, the Colorado Fuel & Iron Co. replies as follows:

1. The company has always cooperated and will continue to cooperate with the public authorities in the enforcement of the mining and labor laws of the State of Colorado. The present statute, which is recognized by all to be a model of legislation looking to the protection of the lives and welfare of the workers, was drafted by a committee of which one of the principal officers of this company was a member. Mr. James Dalrymple, State inspector of coal mines in the State of Colorado, testified before the congressional committee that this statute crystallized into law many of the practices which had been previously adopted by the larger companies, and that the Colorado Fuel & Iron Co. ranked first in adopting these improvements in advance of the law making them compulsory.

2. The company already has in its employ all the men it can use, in view of the present business condition, and, if they were needed, it could readily get twice as many if it were not for the rules which you as Commander in Chief of the United States Army have established on the ground of military necessity, which forbid the company from giving employment to many who apply to it for work. The company can not, therefore, guarantee employment to former employees who are now on strike and who may hereafter apply for employment, but it will not discriminate against them provided they have not been guilty of violation of the law. The company will accept from such applicant his affidavit that he has not been guilty of violation of the law as sufficient proof of the facts therein stated unless the company has affirmative evidence to the contrary.

3. The company has never permitted intimidation of union or nonunion men, and it will use every effort to prevent any such intimidation in the future.

4. The company will print and post in each mine the current scale of wages and rules and regulations for that mine.

5. The company, recognizing, as it always has done, that the interests of its stockholders and employees are really one and that neither can permanently prosper unless the just rights of both are conserved, will at an early date invite its employees to unite with it in creating within the company a permanent and impartial body which, while preserving to its lawful owners the control of the corporation, shall provide a mechanism for enabling the different elements in the company to present their views and suggestions to one another, for the peaceful adjustment of any differences which may arise, for assuring to each workman the full benefit of his individual skill and devotion to the common interest, and while preserving to him the right to work on terms satisfactory to himself and his employer free from molestation from without, shall at the same time assure to him protection against any unfair treatment from within the corporation to which he might otherwise seem to be liable by reason of his independent position.

6. The company will not employ any mine guards other than necessary watchmen, except where its property or the safety of its employees is threatened.

The preservation of law and order and the suppression of armed rebellion against the State of Colorado are matters for the exclusive consideration of the State and Federal Governments and are not within the province of this corporation. The company demands from the public authorities protection against criminal attacks upon its property and its employees, and it will not purchase immunity therefrom by entering into negotiations with persons or organizations engaged in or contemplating such unlawful acts.

Should you desire a conference, I will come to Washington at any time that you may suggest.

Trusting that this statement will furnish a basis upon which you can secure that lasting industrial peace which in both the public and private interest is so greatly to be desired, I am,

Sincerely, yours,

President of the Colorado Fuel & Iron Co.

DENVER, September 18, 1914.

MY DEAR MR. MURPHY: I am very thankful for your kindness in writing me on the 15th instant and sending me draft of proposed letter to the President.

As you so well appreciate, it is an extremely difficult task to present a situation like ours so that it will command understanding and sympathy from the public; consequently all of the assistance we can have in this direction is most valuable.

Before receiving your letter, we had for several days—in fact, since Mr. Lee's arrival Monday afternoon—been engaged in the task of framing a letter which would, as tactfully as possible, set forth to the public our point of view. Mr. Lee tells me he sent Mr. Rockefeller last night a copy of the letter we drafted before your own arrived.

We have today very carefully gone over the whole subject, and have been glad to embody in our letter some of your suggestions. I think you will find that our letter, a copy of which I am inclosing, contains all of your ideas, with two exceptions. First, we thought it would be unwise to raise the question of mine guards, for it is one which it is impossible for the public to understand. If that particular point has impressed the President, I think I will be able to satisfactorily answer any question he may ask concerning it.

Your paragraph 5, page 2: We felt it advisable to treat this subject of your letter a little less specifically than you had done. We can develop this subject in detail in our talk with the President, as the discussion will undoubtedly have relation to this point.

But for Mr. Lee's presence here and the invaluable assistance he has rendered in the preparation of our reply, I should have gone to New York for consultation with you; and considering the probable public criticism of my presence at your office at the time when it would have been generally known that the answers to the President's proposal were being prepared, I think it very fortunate that we have been able to make reply direct from Denver, with the public fully informed as to my presence here.

Yours, very truly,

Mr. STARR J. MURPHY,

26 Broadway, New York City.

26 BROADWAY,
New York, September 16, 1914.

DEAR MR. WELBORN: I am sending you a further batch of editorial clippings. I am impressed with the frequency with which they make the point that the parties should either accept the President's plan or suggest some other. It seems to me clear that public opinion will demand either the acceptance of the President's proposition or some constructive suggestion from the operators. A mere refusal to do anything would be disastrous. It appears from the correspondence, that we have all been considering certain constructive suggestions, notably in the line of a plan for enabling the different interests in the company to exchange views with one another and to peacefully adjust any troubles that may arise. It has seemed wise to defer these during the pendency of the strike, lest any action should be deemed a concession to the union. In view, however, of the President's action, and particularly in view of the fact that the plan which he suggests is stated in his letter to be tentative, I think the time has come for the operators to bring forward their constructive suggestions. It is not necessary to submit a perfected plan. That could hardly be done. Any plan which is proposed will, of course, have to receive the acceptance of our employees, and I am inclined to think that a statement like that suggested in my letter of yesterday—that we were intending to invite our employees to join with us in formulating such a plan—would be all that is necessary at present.

I notice the statement in the morning papers that the union officials have accepted the President's plan, subject to ratification by convention of the miners. This would seem to call for early action on the part of the operators.

I am sure you will not misunderstand my motives in writing. I think it is desirable that we should have a perfectly frank expression of opinion among ourselves, always with the understanding that you will merely consider our opinions for what they are worth and will decide the questions in the light of your fuller knowledge of the entire situation.

Sincerely, yours,

STARR J. MURPHY, Esq.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

SEPTEMBER 19, 1914.

MY DEAR MR. MURPHY: I appreciate your very thoughtful letter of the 16th instant, with suggestions for consideration in the event of its being necessary to propose some plan to take the place of that presented to us by the President.

I have been thinking along a line in harmony with your suggestions and shall carry your letter with me to Washington. Thanking you,

Yours, very truly,

J. F. WELBORN.

STARR J. MURPHY,
26 Broadway, New York, N. Y.

26 BROADWAY,
New York, October 5, 1914.

Mr. J. F. WELBORN,
The Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: I have received a bill from Burrelle's Press Clipping Bureau for 224 clippings for September, at 3½ cents, amounting to \$7.84. When you were here you suggested that the clippings be sent to Mr. Lee, which has been done. I am writing to ask whether, from his point of view, it is worth while to continue them, and I shall be glad to know also whether you desire to have them continued.

Very truly, yours,

STARR J. MURPHY.

DENVER, COLO., October 9, 1914.

MY DEAR MR. MURPHY: Replying to yours of the 5th instant regarding press clippings which you had subscribed for at my suggestion and have recently been forwarding to Mr. Lee, from my point of view it is unnecessary for us to continue these.

I was particularly interested in learning the sentiment of the press regarding the President's proposal before our answer was forwarded. Since then it

has been desirable to have expressions from the same papers to note the changes, but in my judgment the time is now passed when further comment on this particular matter will have any interest for us.

Yours, very truly,

J. F. WELBORN.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

OCTOBER 5, 1914.

President J. F. WELBORN,
The Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: What would you think of the idea of having in each mine a mine committee consisting of representatives of the operators and representatives of the miners employed in that mine chosen by the miners from their own number, which should be charged with the duty of enforcing the statutes of the State and also the regulations of the company looking to the safety and comfort of the miners and the protection of the company's property?

Some years ago I visited the George Junior Republic, and was greatly impressed with the way that their plan of local self-government worked. The boys and girls who were there were mostly of the unruly class, and a good many were sent there after conviction in the criminal courts. They, however, made their own laws and enforced them, with the result that there was almost no infraction of the rules. Even the most unruly felt that if they themselves passed the laws and were charged with their enforcement, it would be undignified and foolish not to do so. The entire force of public opinion was in favor of law enforcement rather than against it. Would it not work the same way in our mines if a committee of the men themselves was charged with the responsibility of enforcing the rules?

Such a mine committee could also be a medium of communication between the employees and the operators on any matters of common interest, and would take the place of the objectionable grievance committees referred to in the plan which has been adopted by the President. Most of the adverse criticism arising from the operators' refusal to accept the President's plan in its entirety is based upon their apparent unwillingness to give the men any opportunity for an expression of opinion. I am afraid this criticism can not be met by anything except some organized means of such expression. While we ourselves may be perfectly sincere in our statement that at present the men have an opportunity to present their views to the higher officials, it is difficult to convince the public of that fact, and consequently public opinion is hostile. This public opinion is an important factor in the situation and has got to be reckoned with.

Please understand that again I am merely thinking out loud, and send this to you for what it may be worth.

Very truly, yours,

STARR J. MURPHY.

OCTOBER 9, 1914.

MY DEAR MR. MURPHY: I have yours of the 5th instant asking what I think of the idea of having at each mine a committee consisting of a representative of the operators and a representative of the miners, which should be charged with the duty of enforcing the statutes and the regulations of the company looking to the safety and comforts of the miners and the protection of the company's property.

I think such a plan, or a modification of it, might be employed to advantage. I have also considered with favor a suggestion you made when I was in New York, of paying a prize of a trip to Denver for efficiency in some particular line.

Yesterday and day before Mr. Weitzel, our manager of the fuel department, was in Denver, when he and I went over your suggestion last referred to and decided to perfect a plan along that line. It so happens that we also considered a part of the suggestion contained in your letter of the 5th, which had not then been received.

There are a number of things in connection with coal-mining operations much to be desired. Some of them are noted below:

Regularity in work; efficiency; general observance of rules and laws; care to guard against accidents; loyalty to the company's interests; cleanliness in the homes.

Mr. Weltzel and I thought that we might possibly develop a system of marking for efficiency in some of these lines, and offer a prize to the one who made the best showing in a year, or some shorter period if that seemed advisable. My first thought in connection with it was that the contest should take place at each mine independent of all the others.

We have already started on a plan, which was suggested by Mr. Lee, of getting at the complaints of the various men, in some cases through the doctors, and at one mine through the store manager, who maintains a most intimate relation with all of the workmen. We have started this at only four of the properties and will try it there before extending the plan any further. If it proves successful, we can work from it into something perhaps a little broader. But I think we must avoid now the appointment of a committee, as that would come too near one of the demands of the miners' organization, which has been frequently made and is expressed through their so-called truce proposal presented by the President.

I think, for the purpose of carrying out your idea of having a committee charged with the duty of enforcing the statutes and the regulations as to safety and comfort of the men, it might be well to have the manager make the appointment without there being any feeling that a part of the committee represented the company and the other part the workmen. There are some mines at which undoubtedly our manager could select three miners who would be glad, and could be safely depended upon to assume the responsibility suggested by you, and would in every sense of the word be safe. In considering this forward work, which I feel we must certainly keep in mind, I am impressed with the importance of so composing whatever committees are found advisable as to make it appear that they all represent the same interest; in other words, that there is but one interest which is in every sense of the word common, yet having it understood that the committee is as free to consider any complaints or grievances of the men as though it were one entirely of their own selection. I feel that the existing relations between ourselves and our workmen is such as to form a natural foundation for development along that line. I also feel that every step should be made with very great care, so as to avoid impressing the men with the feeling that we are alarmed or think that we ought to give them some representation which heretofore they have not had.

I want you to feel that your suggestions along that or any other line are most welcome, and whenever you wish to think out loud about matters that concern the company, I shall be glad if you will put your thoughts on paper and mail them. I shall hope before the winter is over to have an opportunity of talking with you again and reporting progress that we are making along the lines that seem to all of us important. With kind regards,

Yours, very truly,

J. F. WELBORN.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

Mr. WELBORN. Copy of letter of November 12, addressed to Starr J. Murphy, signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER 12, 1914.

MY DEAR MR. MURPHY: I have forwarded to you a copy of the report for 1913 just received from the State coal-mine inspector.

At page 11, Table No. 1, the number of fatal accidents per thousand men employed is shown, and on page 13, Table No. 2, the production per fatality is given. The American Fuel Co. actually makes a showing of fewer deaths per thousand men employed than anyone else. This is presumably due, however, to the fact that that company operated only a small part of the year, and during the time but one of its employees was killed.

But for this exception, our showing in both tables is materially better than that of our competitors. I have no doubt that this is due to the watchfulness and constant interest of our mine superintendents and their superior officers.

I have taken steps to congratulate them and imbue them with the idea of exerting their best efforts to remain in the front rank.

Yours, very truly,
STARR J. MURPHY, Esq.,
26 Broadway, New York City.

Mr. WELBORN. Letter dated November 10, addressed to Mr. Charles O. Heydt, 26 Broadway, signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER, 10, 1914.

MY DEAR MR. HEYDT: I have yours of the 5th instant inclosing a letter from Mr. John J. Carter, concerning charges that have been made that the coal mines of Colorado pay only \$12,000 a year taxes to the State and Nation.

Mr. Carter asks for an official statement of the taxes paid in Colorado by all of the mines. I don't know whether I can secure this information or not, but will be able to tell him what we pay and what many of the other companies pay.

I assume you desire that I should make reply direct, and shall do so, sending you a copy of my letter.

Yours, very truly,

Mr. CHARLES O. HEYDT,
26 Broadway, New York City.

Mr. WELBORN. Letter dated November 24, addressed to J. F. Welborn, signed John D. Rockefeller, Jr. Reply dated November 6, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

NOVEMBER 6, 1914.

MY DEAR MR. ROCKEFELLER: According to the figures received to-day, which are practically complete, the plurality of Carlson, Republican candidate for governor, over Patterson is approximately 33,000. The plurality of Farrar, Democratic candidate for attorney general, over his next opponent, the Republican, is almost 38,000.

Farrar is the present incumbent in the office to which he has just been elected, and has been about the only reliable force for law and order in the statehouse. His reelection serves to emphasize the sentiment in favor of law and order, expressed in the election of the main part of the Republican ticket.

Mr. Farrar has been very actively engaged for several months in connection with the work of grand juries in various coal counties where indictments have been brought against those who participated in the rioting.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

26 BROADWAY,

New York, November 24, 1914.

DEAR MR. WELBORN: I have just returned to the city, after an absence of several weeks in the South with my wife, and find your letter of November 6 regarding the gratifying plurality for Carlson for governor and Farrar for attorney general. It would seem that the election of this Republican governor and the reelection of this Democratic attorney general, both of whom have established clear records as to their strong stand for law and order, would indicate that the sentiment of the people of Colorado is for law and order, quite irrespective of party lines.

Very cordially,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

6696 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. WELBORN. Copy of letter, dated October 31, to Starr J. Murphy.
(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 31, 1914.

MY DEAR MR. MURPHY: I have yours of the 29th instant regarding charges made against certain of our employees at Sunrise, Wyo., by a lady living at that place. The name of the person signed to the paper which you sent me is the same as that of the minister at Sunrise, and I assume that she is the minister's wife.

At the time of the Ludlow affair the minister was very outspoken in his criticism of the coal companies, but seemed to regret his action when informed of the facts concerning that disturbance. He has socialistic tendencies, however, and I have been informed that his wife is a Greek, yet they may both be perfectly honest, and it is possible the charges made by the lady are true. At the same time it is rather hard to understand that such practices as the doctor is charged with could have been indulged in without our hearing complaints from other quarters, unless the mine superintendent and others in authority are in the conspiracy with him.

The matter is of such grave importance that I will have it investigated thoroughly at once, and of course will advise you of the results.

We have thought some of changing the minister at Sunrise, but have refrained from taking a course that would be unfair to him, or would indicate a prejudice against him because of what may have been simply indiscreet statements in connection with the Ludlow outbreak.

The charges against the doctor rather overshadow those made against the foremen referred to, yet I shall investigate the latter quite as thoroughly as the former, and if I find that the charges against the foremen are correct, I shall not only put a stop to the practices, but dispense with the services of the men who have been guilty.

Yours, very truly,

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

Mr. WELBORN. Letter of October 5, from Starr J. Murphy to J. F. Welborn. Letter, reply, dated October 9, 1914, addressed to Mr. Murphy, signed J. F. Welborn. On the same subject, copy of letter to E. H. Weltzel, signed J. F. Welborn. Mr. Weltzel's reply, dated October 12, addressed to J. F. Welborn. Copy of letter, October 21, to Mr. Murphy, signed J. F. Welborn. Copy of letter from Mr. Murphy to J. F. Welborn, dated October 26.

(Said correspondence is as follows:)

26 BROADWAY,
New York, October 5, 1914.

Mr. J. F. WELBORN,
President the Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: I inclose a letter just received from A. C. McChesney, jr., camp pastor at Trinidad, Colo., asking Mr. Rockefeller to furnish him with an automobile. Will you kindly let me know what you think about it? If Mr. McChesney is in the employ of the Colorado Fuel & Iron Co. and an automobile is necessary, would the company feel like furnishing it to him?

Very truly, yours,

STARR J. MURPHY.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 9, 1914.

MY DEAR MR. MURPHY: I have yours of the 5th instant inclosing letter from Mr. A. C. McChesney, camp pastor.

I will look into his matter and let you hear from me later.

Yours, very truly,

STARR J. MURPHY,
26 Broadway, New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 10, 1914.

Mr. E. H. WEITZEL,
Manager Fuel Department, Pueblo, Colo.

DEAR SIR: I inclose herewith letter from Mr. Starr J. Murphy, attached to which is a letter written by the Rev. McChesney to Mr. Rockefeller soliciting Mr. Rockefeller's help in securing an automobile.

As I understand the matter, Mr. McChesney is the gentleman who is holding services in the camps in the Trinidad district, and securing for his work \$5 per camp per month, and that he is in no sense of the word an employee of ours.

No doubt his work is commendable, but I don't believe that either Mr. Rockefeller or the company ought to be asked to furnish him an automobile. To do so would probably open the way to a good many such contributions.

With returns of the inclosures kindly let me have your views.

Yours, very truly,

[The Colorado Fuel & Iron Co., fuel department, Pueblo, Colo. E. H. Weitzel, manager;
B. J. Matteson, assistant manager.]

Personal.]

OCTOBER 12, 1914.

Mr. J. F. WELBORN,
President, Denver.

DEAR SIR: I have your letter of October 10 inclosing letters from Mr. Starr J. Murphy and Rev. McChesney.

Sometime ago Rev. Gaddis represented to me that Mr. McChesney was a young man recently graduated from some theological school who was without a charge and was anxious to get into the character of work that our camps would furnish. Knowing Mr. McChesney's father, who is an attorney in Trinidad, and knowing that he comes from an excellent family I consented to guarantee Mr. McChesney \$5 and necessary traveling expenses for each service he held in any of our camps. He takes up the collection at each service and deducts that from the \$5 plus his traveling expenses and we make the payment once a month. I do not consider that he is an employee of the C. F. & I. Co.

Undoubtedly an automobile would assist him in traveling around the camps. An automobile would also be of great assistance to our superintendent of construction, Mr. Sutherland; our boiler inspector, Thomas; our superintendent of washeries; chief electrician; three traveling mine clerks; and our veterinary surgeon. All of these men are called on in emergencies and are required to report at different properties on as short notice as possible, yet none of them have asked for an automobile and for very good reasons we have not furnished any.

Mr. Gaddis has bothered me about an automobile for his use in the Walsenburg district, but as yet has been unable to make me see where we could be justified in furnishing him one.

The reason I have not recommended automobiles for the use of our important traveling men enumerated above is that when the average man has a company automobile he finds so many trips that are apparently necessary, and the automobile will travel hundreds of miles for which there is no real necessity. The motion-picture man, referred to in Mr. McChesney's letter, bought his own automobile, and we allow him toward its upkeep exactly what it would cost him to travel from camp to camp on the railroad train.

I can not see why Mr. McChesney can not reach all of the places he goes to in our service on regular railroad trains, and should he have a call for some special service at one of our camps I am sure that Mr. Thomas's office in Trinidad would arrange to get him there by automobile in very short notice.

Another thing, if Mr. Rockefeller granted a request of this kind they would soon become so numerous that the matter would become burdensome to him.

I return herewith two letters inclosed with yours of October 10.

Yours, truly,

E. H. WEITZEL.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 21, 1914.

MY DEAR MR. MURPHY: I return herewith the letter of A. C. McChesney written to Mr. Rockefeller, soliciting his assistance in the purchase of the automobile, which was received with yours of the 5th instant.

Mr. McChesney is the son of an attorney of some prominence living in Trinidad. He but recently graduated from a theological school and solicited work at our camps. We were very glad to assist him, and in connection with another mining company or two guaranteed such an amount per month at each camp (which amount includes collections taken at such service) as justified him in taking up the work.

It goes without saying that an automobile would be of assistance to him, but I could not advise Mr. Rockefeller to buy it, as Mr. McChesney suggests. The automobile used by the motion-picture man referred to by Mr. McChesney was purchased by this man with his own money.

We have a good many employees doing work of a general character in the coal district whose movements would be facilitated by automobiles, but we have not felt that we were justified in spending the necessary money to provide them.

The train service, in a general way, out of Trinidad to all the coal camps in that district is fairly satisfactory, and I am sure if it will accommodate the requirements of half a dozen or more of our employees doing general work it should take care of the minister.

Yours, very truly,

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

26 BROADWAY,
New York, October 26, 1914.

DEAR MR. WELBORN: I have yours of October 21 with regard to the automobile which Mr. McChesney requested, for which please accept my thanks.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN. Letter from Jerome D. Greene, dated October 23, 1914, addressed to J. F. Welborn. Reply, dated October 10, to J. D. Greene.
(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER, 10, 1914.

MY DEAR MR. GREENE: When I received your letter of the 3d instant, accompanying proof of the Atkinson report to be issued by the Federated Council of Churches, I thought I would be able to make reply to certain specific charges within a day or two, but I found it absolutely impossible to do so.

Mr. Herrington, however, is going over the report carefully now, and by Monday I think I can send on an answer to the statements that we think it desirable to correct.

Yours, very truly,

Mr. JEROME D. GREENE,
26 Broadway, New York, N. Y.

26 BROADWAY,
New York, October 23, 1914.

DEAR MR. WELBORN: Will you be good enough to let me know whether it has seemed best to file an answer to the Atkinson report for insertion in the appendix of that report? The reason I ask is that while I should defer wholly to your judgment in the matter, I wish to make sure that our decision either

to answer or to ignore the report is made within the time allowed instead of allowing the matter to go by default. I am expecting momentarily to be asked by Dr. Macfarland what we have decided to do, and it is only because I have been the one in communication with him that I send this inquiry.

Very truly, yours,

JEROME D. GREENE.

Mr. JAMES F. WELBORN,
President Colorado Fuel & Iron Co.,
Boston Building, Denver, Colo.

Mr. WELBORN. Letter from Jesse D. Northcutt, dated September 19, addressed to Mr. J. F. Welborn. Copy of reply dated October 2, addressed to Judge Northcutt, signed J. F. Welborn. Also in the same file copy of a letter dated October 2, addressed to John D. Rockefeller, jr., signed J. F. Welborn.

(Said correspondence is as follows:)

[Law office of Jesse D. Northcutt, Chronicle-News Building, Trinidad, Colo.]

SEPTEMBER 19, 1914.

Hon. J. F. WELBORN,
Boston Block, Denver, Colo.

DEAR MR. WELBORN: I am forwarding you under another cover copy of the mine workers' original brief just received from Dr. Foster this morning. Sorry I could not get more of these, but this is all he sent me.

Yours, truly,

JESSE D. NORTHCUTT.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 2, 1914.

MY DEAR JUDGE NORTHCUTT: I am much obliged for yours of the 19th ultimo, received while I was in the East, inclosing copy of the original brief for the striking miners, which you received from Dr. Foster.

Yours, very truly,

Judge JESSE D. NORTHCUTT,
Trinidad, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 2, 1914.

MY DEAR MR. ROCKEFELLER: Some time ago you asked me for some copies of the brief for the striking miners in the case before the congressional committee, but I was unable to send you as many as you wanted.

On my return from the East I find that Judge Northcutt has secured for me another copy of the brief, which I am inclosing herewith.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
New York, N. Y.

Mr. WELBORN. Letter of June 3, 1914, addressed to J. F. Welborn, by John D. Rockefeller, jr. Copy of reply dated June 8, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, June 3, 1914.

DEAR MR. WELBORN: I send you herewith a letter which explains itself. I have made no reply. Please do what you think best with it.

Very truly,

JOHN D. ROCKEFELLER.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

6700 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 8, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 3d instant, inclosing a letter from Des Moines, purporting to contain information of value concerning certain incidents in connection with the attacks on mines and employees last month.

I think it advisable to learn more about this, and will take immediate steps to do so.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

Mr. WELBORN. Copy of letter dated May 30, 1914, to J. F. Welborn from John D. Rockefeller, jr. Letter June 8, addressed to Mr. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, May 30, 1914.

DEAR MR. WELBORN: I am sending you under separate cover a copy of my testimony before the Committee of the House on Mines and Mining in Washington. Only recently have I been able to obtain a few copies of the testimony. If you already have a copy, or one is on file in your office, I would appreciate your returning this copy, since I have but two or three.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 8, 1914.

MY DEAR MR. ROCKEFELLER: I have yours of the 30th ultimo advising that you were sending me under separate cover a copy of your testimony before the Committee of the House on Mines and Mining in Washington, and asking me to return same if we already have one for our office.

We have a copy in our legal department which will serve our purpose very well, and I have put off answering your letter, intending to return your copy as soon as it was received. It seems to have been delayed, however, as it has not as yet reached me.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York, N. Y.

Mr. WELBORN. Copy of letter dated July 20, addressed to John D. Rockefeller, jr., signed J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 20, 1914.

MY DEAR MR. ROCKEFELLER: From the numerous letters of commendation that I have received, and the frequent requests for additional copies of the bulletins issued under Mr. Lee's direction, I am convinced that the work he has inaugurated is doing some good.

So far I have heard very little from the newspapers, but have had many letters from ministers, educators, and associations of manufacturers and chambers of commerce.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER,
26 Broadway, New York City.

Mr. WELBORN. Copy of letter dated June 3, signed by John D. Rockefeller, jr., addressed to Commander John H. Moore, Washington, D. C. Copy of reply

signed by John H. Moore, addressed to Mr. Rockefeller, dated Washington, June 1. Copy of another letter from Col. I. Lockett, at Trinidad, Colo., addressed to Commander John H. Moore. Also letter from John D. Rockefeller, jr., dated July 10, addressed to J. F. Welborn. Letter from E. H. Weltzel, dated July 16, addressed to J. F. Welborn. Copy of letter of July 22, addressed to Commander John H. Moore, Washington, D. C., signed J. F. Welborn. Copy of letter of July 22 to John D. Rockefeller, signed J. F. Welborn.

(Said correspondence is as follows:)

JUNE 3, 1914.

DEAR SIR: Your letter of June 1, inclosing copy of a letter to you from Col. Lockett, together with several copies of your pamphlet, Information for Immigrants Concerning the United States, is received.

I note with interest the offer you make on behalf of your society to supply the mine operators of Colorado as many of your leaflets as can be used, and will gladly refer your kind offer to the committee representing the operators.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Commander JOHN H. MOORE,
The Wyoming, Washington, D. C.

WASHINGTON, D. C., June 1, 1914.

Mr. JOHN D. ROCKEFELLER, Jr.,
New York City.

DEAR SIR: Inclosed you will please find a copy of letter and marked copy of our Pamphlet No. 1, which I have received from Col. Lockett, commander Eleventh United States Cavalry, at Trinidad, Colo. By return mail I sent to Col. Lockett 3,000 copies of our different booklets and offered to supply him gratis with as many copies as he could use. I would call to your attention paragraph 5 of the leaflet marked by Col. Lockett.

It would give our society much pleasure to supply gratis to the mine operators of Colorado as many of our leaflets as they can use.

Yours, cordially,

JNO. H. MOORE.

Under another cover I am sending you samples of our three leaflets.

HEADQUARTERS ELEVENTH CAVALRY,
Trinidad, Colo., May 11, 1914.

Commander JOHN H. MOORE,
The Wyoming, Washington, D. C.

SIR: (1) Please send me copies of Leaflet No. 1, inclosed herewith, printed in languages, as follows: Five hundred, Mexican language; 500, Italian language; 250, Greek language; 250, Slav language, for such people as Montenegrins and Bulgarians.

(2) These leaflets have been recommended to me for distribution in this section, and it is understood that you furnish them free of charge.

(3) It is believed that much good can be accomplished in this troubled district by such distribution.

Respectfully,

I. LOCKETT,
Colonel Eleventh Cavalry.

THE EYRIE,
Seal Harbor, Me., July 10, 1914.

DEAR Mr. WELBORN: I inclose herewith copies of a letter from Mr. John H. Moore, chairman of committee on information for aliens, a letter to him from Col. Lockett, and my reply to Mr. Moore; also two copies of pamphlet referred to.

I am wondering whether the fuel company would care to use any of these pamphlets among its men?

No acknowledgment of this letter is necessary.

Very truly,

JOHN D. ROCKEFELLER, Jr.

Mr. J. F. WELBORN,
Denver, Colo.

6702 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

[The Colorado Fuel & Iron Co., fuel department, Pueblo, Colo. E. H. Weltzel, manager;
B. J. Matteson, assistant manager.]

JULY 16, 1914.

Mr. J. F. WELBORN,
President, Denver, Colo.

DEAR SIR: Referring to your letter of July 14 in regard to circular containing "Information for immigrants."

I believe we could use a number of these to good advantage, and would like to have about 1,000 printed in the Italian language, 150 Greek, and 1,000 Slavish. Do not believe that we will need any in English or Mexican.

Yours, very truly,

E. H. WEITZEL.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 22, 1914.

Commander JOHN H. MOORE,
*Chairman Committee on Information of Aliens,
The Wyoming, Washington, D. C.*

DEAR SIR: A few days ago I received from Mr. Rockefeller a copy of your letter to him of June 1 and received copy of his reply relating to a pamphlet gotten out under your direction for the information of aliens.

Prompted by your statement to Mr. Rockefeller that you would be glad to supply gratis to the Colorado mine operators as many of the leaflets as we can use, I will ask you to send addressed to me, Boston Building, Denver, Colo., 1,500 printed in the Indian language, 1,500 printed in Slavish, and 300 printed in Greek.

We can use most of these at our own mines, and I shall undertake to distribute the remainder among some of the other companies.

Thanking you for the opportunity to distribute this class of information, I am,

Yours, very truly,

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JULY 22, 1914.

MY DEAR MR. ROCKEFELLER: Acting on the suggestion contained in yours of the 10th instant, I have ordered from Mr. John H. Moore, chairman of the committee on information of aliens, 3,300 copies of his pamphlet printed in various languages.

We will use most of these at our own properties and I will find distribution for the remainder through some of the other companies.

Yours, very truly,

Mr. JOHN D. ROCKEFELLER, Jr.,
26 Broadway, New York City.

Mr. WELBORN. Copy of letter, October 1, addressed to Starr J. Murphy, signed J. F. Welborn. Reply from Starr J. Murphy dated October 5.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

OCTOBER 1, 1914.

MY DEAR MR. MURPHY: I inclose herewith clipping from yesterday's issue of the Pueblo Star-Journal, showing its editorial comment on one of our recent advertisements.

Yours, very truly,

STARR J. MURPHY,
26 Broadway, New York, N. Y.

[The Pueblo Star-Journal, September 30, 1914.]

CORPORATION OPENS UP.

One of the most interesting pieces of information which has come to the surface from beneath the censorship which most large corporations have

hitherto maintained over their business is a statement made public by the Colorado Fuel & Iron Co. recently. It is as follows:

That during the past 11 years Mr. John D. Rockefeller has received in the way of dividends from the Colorado Fuel & Iron Co. the sum of \$860,000, and that during that same period of 11 years the Colorado Fuel & Iron Co. paid out in wages the sum of \$92,817,000, or the sum of \$100 paid in wages for each dollar paid in dividends.

The people of this State have begun to think a little since reading that statement. The Star-Journal has received a number of inquiries asking if the figures as printed were correct, and it should be known that the figures are correct as given, all of which may be verified by the books of the company. People who have cursed the oil magnate and his policy have been fair enough to state that the policy of the Colorado Fuel & Iron Co. in this connection is most surprising and a welcome addition to the volume of commendable facts which are here and there coming to the surface as the big corporations of the country take the lid off sufficiently to let the people know some of the things which they should know in connection with their business operations.

In fact, this fault is the real foundation of much of the criticism which is leveled at "big business," as it is termed. "Big business" has its virtues if it will only have consideration enough for its own welfare to let those virtues become known. When assailed from various angles the policy of most corporations is to remain silent, and thereby tacitly admit by their silence that the charges being made have some foundation.

The recent showing made by the steel works under the present management is a credit to those in charge of the corporation.

If John D. Rockefeller had only taken \$1 in dividends out of the operations of the Colorado Fuel & Iron Co., for every \$10 paid in wages, it would still have been a most generous policy, but the fact that he has taken \$1 in dividends while paying his employees the munificent sum of \$100 in wages stamps him more as a philanthropist than as a shrewd business man, as there are few other big corporations which would be satisfied to stay with any concern which brought such little financial return as the Colorado Fuel & Iron Co. has brought to Mr. Rockefeller, and through it all he has been maligned as few men have ever been.

While on this subject it is pertinent to ask what kind of a hole \$92,000,000 would make in the business of Colorado if Mr. Rockefeller had given the word 9 or 10 years ago, after coming through much the same kind of a crisis he has been facing during the past year, to close up his interests in Colorado? "Some hole," to be sure; about eight and one-half million dollars in wages a year would have been the size of the vacuum every 12 months, not to mention the additional loss of business which the failure to operate Mr. Rockefeller's properties in Colorado would have caused to other lines of business. The actual size of the hole which the withdrawal of Mr. Rockefeller's entire interests in Colorado would create simply can not be estimated, but it is fair to state that not a man in Colorado would escape the pinch that would surely follow such a step on the part of the head of the Colorado Fuel & Iron Co. The fault which should be found with Mr. Rockefeller is that he has been content to sit idly by all these years and stand the gaff of criticism without taking the inside of his Colorado operations to the people. They are fair; the people are just and will give any man or any corporation a square deal which is not afraid to lift the lid and let the people know the truth, which the Colorado Fuel & Iron Co. now seems to realize is the proper thing for it to do.

28 BROADWAY,
New York, October 5, 1914.

Mr. J. F. WELBORN,

President The Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: I have yours of October 1 inclosing clipping from the Pueblo Star-Journal. This is fine and shows how effective intelligent publicity can be. I hope it will be kept up.

Very truly, yours,

STARR J. MURPHY.

6704 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. WELBORN. Copy of letter dated June 22, addressed to Mr. L. M. Bowers, Binghamton, N. Y., signed J. F. Welborn. Copy of letter dated June 23, addressed to Starr J. Murphy, signed J. F. Welborn. Mr. Murphy's reply, dated June 27, addressed to J. F. Welborn.

(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 22, 1914.

MY DEAR MR. BOWERS: I am sending you a few copies of a special edition of the Boulder Camera. You will remember that Paddock, the editor, along with some of the military officers took up an educational campaign in northern Colorado some weeks ago. He has enough enthusiasm to be effective not only through his paper but in addressing an audience, and, while not a practicing prohibitionist, told me to-day that he believes in State-wide prohibition and thought there was a good chance of its carrying next election.

The beneficial results of closing the saloons in the coal-mining districts are a pleasing surprise to everyone. The average production per man since the saloons were closed has increased very materially; in fact, we are now producing fully as much coal as we did immediately prior to April 20, and our daily reports show about 10 per cent fewer men digging the coal.

Yours, very truly,

Mr. L. M. BOWERS,
Binghamton, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 23, 1914.

MY DEAR MR. MURPHY: I am sending you to-day a few copies of a special edition of the Boulder Camera, a daily paper with a comparatively small circulation, but wielding a good deal of influence in the State.

The editor is one of the most enthusiastic adherents of law and order and has, largely at his own expense, conducted some very profitable educational campaigns in northern Colorado, the most important agricultural district of the State.

I can hardly imagine your having time to look this paper over entirely, but thought that some one in conversation regarding our affairs might refer to this paper or the work of its editor and it would be desirable for you to have a copy on file.

Yours, very truly,

STARR J. MURPHY,
26 Broadway, New York, N. Y.

26 BROADWAY,
New York, June 27, 1914.

DEAR MR. WELBORN: I have yours of June 23, and have also received the copies of the Boulder Camera which you have sent. I shall look over them at the first opportunity. Mr. Bowers forwarded to me your letter of January 22 on the subject. I am sending a copy of the paper to Mr. Rockefeller, jr.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
The Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN. Letter from Starr J. Murphy, dated June 20, 1914, addressed to J. F. Welborn.

(Said correspondence is as follows:)

26 BROADWAY,
New York, June 20, 1914.

DEAR MR. WELBORN: I duly received yours of June 16 and have to-day the copies of the Canon City Record and the statement of the "Strike situation in Colorado." The latter I had seen before, and am glad to have these extra

copies. The Canon City Record is interesting reading, and I am glad to see that the citizens of Colorado are taking action in defense of law and order.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
Boston Building, Denver, Colo.

Mr. WELBORN. Copy of letter of June 16, addressed to Starr J. Murphy, signed J. F. Welborn. Copy of another letter of the same date addressed to Mr. Murphy, signed J. F. Welborn. Mr. Murphy's reply dated June 20.
(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 16, 1914.

MY DEAR MR. MURPHY: This will serve to introduce Rev. R. E. Chandler, pastor of the First Presbyterian Church, Trinidad, Colo.

Mr. Chandler is well acquainted with conditions in the southern Colorado strike district, and if you and Mr. Rockefeller can give him a few moments of your time he and the writer will appreciate it.

Yours, very truly.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 16, 1914.

MY DEAR MR. MURPHY: At the request of Mr. R. E. Chandler, pastor of the First Presbyterian Church, of Trinidad, Colo., I have to-day given him a letter of introduction to you, as he expects to make a trip to the East in the near future, and is desirous of seeing Mr. Rockefeller if possible.

Mr. Chandler has been a good friend of our company and is acquainted with conditions in southern Colorado, and I am told is decidedly in favor of law and order.

I don't like to burden you with calls from people in the West, and don't suppose you will learn anything from Mr. Chandler that you have not already heard from other sources, yet it is not always easy to decline requests of this character from people who have been particularly interested in our side of the controversy.

Yours, very truly.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

26 BROADWAY,
New York, June 20, 1914.

DEAR MR. WELBORN: I have yours of June 16 with regard to the Rev. R. E. Chandler. I shall be happy to see him when he comes East, but do not believe he will be able to see Mr. Rockefeller personally.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
Boston Building, Denver, Colo.

Mr. WELBORN. Copy of letter of June 9, 1914, to Starr J. Murphy, signed J. F. Welborn. Reply, dated June 12, to J. F. Welborn, signed Starr J. Murphy.
(Said correspondence is as follows:)

[The Colorado Fuel & Iron Co., Denver, Colo. J. F. Welborn, president.]

JUNE 9, 1914.

MY DEAR MR. MURPHY: The Pueblo Chieftain of the 8th instant contained a statement by Lieut. Bigelow, and in its issue of this morning has a statement by Lieut. Benedict, both of whom participated in the Ludlow outbreak of April

20. Although the Chieftain is now going to your office, addressed to Mr. Rockefeller, I am sending you, under separate cover, an extra copy of each of the issues referred to, as well as a blue-print map of Ludlow and vicinity.

I imagine you are frequently asked about this affair, and it occurred to me that the statements of those two military officers and the map might enable you to form a little more accurate opinion of the incidents and surroundings in connection with it.

I have just received copies of The Military Occupation of the Coal-Strike Zone of Colorado, and am sending one of these to you also.

Very truly, yours.

STARR J. MURPHY, Esq.,
26 Broadway, New York, N. Y.

26 BROADWAY,
New York, June 12, 1914.

Mr. J. F. WELBORN,
President the Colorado Fuel & Iron Co., Denver, Colo.

DEAR MR. WELBORN: I have yours of June 9, and have also received the copies of the Pueblo Chieftain and The Military Occupation of the Coal-Strike Zone of Colorado and the blue-print map of Ludlow. I am greatly obliged to you for sending me these, particularly the statement of Lieuts. Bigelow and Benedict. These are the first statements I have seen from actual participants in the Ludlow affairs. They confirm in all essential particulars the statements made by Maj. Boughton, but are much more valuable, as they are from eyewitnesses. Eventually the truth is going to be known. With kindest regards, I am,

Yours, very truly,

STARR J. MURPHY.

Mr. WELBORN. Letter from Starr J. Murphy to J. F. Welborn, dated September 15.

(Said correspondence is as follows:)

26 BROADWAY,
New York, September 15, 1914.

DEAR MR. WELBORN: I inclose herewith the first batch of newspaper clippings of editorials with reference to the President's message on the settlement of the strike. I will forward you from day to day other clippings as they come in.

Very truly, yours,

STARR J. MURPHY.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

Mr. WELBORN. Letter of date of September 17 to J. F. Welborn, signed by Starr J. Murphy.

(Said correspondence is as follows:)

26 BROADWAY,
New York, September 17, 1914.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver Colo.

DEAR MR. WELBORN: I inclose herewith newspaper clippings which have just been received by me.

Very truly, yours,

STARR J. MURPHY.

Chairman WALSH. At this point the commission will stand adjourned until 2 o'clock.

AFTERNOON SESSION—2 P. M.

Chairman WALSH. Referring for a moment to the letter of June 9, written by yourself to Mr. Rockefeller, Mr. Welborn, who is John P. Brockway?

Mr. WELBORN. I don't know. He is some one who, if I remember correctly—his letter is not in my files. I suppose I returned it, although the letter to Mr. Rockefeller does not show that. He is some one who wrote to Mr. Rockefeller concerning the probable purchase of the Rocky Mountain News, or some portion of their bond issue.

Chairman WALSH. Do you know the details of the proposition?

Mr. WELBORN. No; I know it was very vague in form; more a suggestion than a proposition.

Chairman WALSH. Referring to the letter of William P. Athey—

Mr. WELBORN (interrupting). I don't know that I have that. I haven't all of the copies.

Chairman WALSH. I think that the letter of William P. Athey seems to be mislaid. It is not in the file—

Mr. WELBORN (interrupting). Yes; that was, I am quite sure, returned to New York

Chairman WALSH. Well, I will read part of it [reading]:

“ NOVEMBER 13, 1914.

“ MY DEAR MR. ROCKEFELLER: I return herewith letter of William Park Athey, received with yours of the 10th instant. We have found it necessary to cash a good many of these certificates of indebtedness issued to the members of the State militia, or have considered it advisable to do so, and if this young man's circumstances are as he has stated them I believe we should accommodate him. I suggest, therefore, that you refer him to me,” etc.

How many of those certificates of indebtedness did you cash?

Mr. WELBORN. I can't tell you just exactly how many we actually cashed, but we have, altogether, including those received for supplies sold the militia from our stores, something like \$75,000 or \$80,000 of the certificates, or rather the bonds that the certificates were exchanged for.

I should like to say that we cashed no certificates until after the appropriation had been made by the extra session of the legislature and the legality of the act established or approved, anyway to our satisfaction, by legal opinion.

Chairman WALSH. Referring to the letter from Mr. Rockefeller of June 9, quoting correspondence between himself and Elbert Hubbard, of East Aurora—

Mr. WELBORN. Yes.

Chairman WALSH. Did you contribute that \$150 mentioned in that letter? Did you buy 1,000 of his papers?

Mr. WELBORN. We bought some number; if the figure is stated at \$150 in the letter, that is the correct amount; yes.

Chairman WALSH. Is Elbert Hubbard quoted in these bulletins here?

Mr. WELBORN. I can not say positively whether he is or not. I never met Elbert Hubbard, and what he has written on the question of the Colorado coal strike has been purely voluntarily on his part and without suggestion from any of the operators, so far as I know.

Chairman WALSH. Now, you say that Elbert Hubbard's was purely voluntary?

Mr. WELBORN. Yes.

Chairman WALSH. And have you a copy of that bulletin there? I don't recall whether he was quoted in there or not.

Mr. WELBORN. You mean our—

Chairman WALSH (interrupting). Yes; your own bulletin.

Mr. WELBORN (continuing). “Facts,” so-called. I am quite sure that there isn't anything in here taken from Hubbard's statements.

Chairman WALSH. This contains, so far as you know, all of the correspondence with Elbert Hubbard?

Mr. WELBORN. Yes.

Chairman WALSH. Have there been other publications in the United States that made similar propositions to you or conducted themselves in a similar manner—first wrote the stuff and then sent it to you with a request for pay for copies of the publication?

Mr. WELBORN. There may have been. In fact, it seems to me that some articles that have been published either by newspapers or magazines were used by us, but I am not sure as to that. I don't want to make the positive declaration either way on that question.

Chairman WALSH. I see that this letter reads as follows [reading]:

“ Mr. Elbert Hubbard, of East Aurora, you probably know by reputation and by his writing. On May 3 Mr. Hubbard wrote me as follows:

“ “ DEAR MR. ROCKEFELLER: I have been out in Colorado and know a little about the situation there. It seems to me that your stand is eminently right, proper, and logical. A good many of the strikers are poor, unfortunate, ignorant foreigners, who imagine that there is a war on and that they are fighting for liberty. They are men with the fighting habit, preyed upon by social agi-

tators. I am writing something on the subject a little after the general style of my article on 'The copper country,' in the Fra Magazine for May. I mail you a copy of the Fra to-day. I believe you will be interested in what I have to say about the situation in northern Michigan.' "

Now, was that article sent you—an article in favor of the mine operators of the mine workers in Michigan?

Mr. WELBORN. I don't think I ever read the article on the Michigan question.

Chairman WALSH. Mr. Rockefeller did not send that to you, or if he did, you do not remember it?

Mr. WELBORN. If he did, I do not remember.

Chairman WALSH. I will continue reading from this letter:

"Just now it seems very necessary that some one should carry on a campaign of education, showing this country, if possible, that we are drifting at present in the direction of I. W. W. socialism.

"Are you interested in distributing a certain number of the Fra containing my article on the Colorado situation?

"Also, what do you think of the inclosed booklets? I have distributed these on my own account up to the extent of nearly a million, but I have not the funds to distribute a million more, as I would like to do.

"Any suggestions from you in the line of popular education will be greatly appreciated.

"With all kind wishes, I am ever,

"Your sincere,

"ELBERT HUBBARD."

Mr. WELBORN. That is supposed to be the first letter written by Elbert Hubbard on this subject.

Chairman WALSH. To which he replied:

"MY DEAR MR. HUBBARD: Your letter of May 3 is received. I thank you for your words of approval in connection with my stand on the question of the rights of the independent worker.

"I have looked over the May number of the Fra which you have sent me with interest, and shall be glad to see the article which you are proposing to write regarding the Colorado situation.

"Very truly,"

That letter was signed by Mr. Rockefeller, was it not, Mr. Welborn?

Mr. WELBORN. I presume so.

Chairman WALSH. The signature is not here.

Mr. WELBORN. Mr. Rockefeller, just above the letter you read, "To which I replied on May 7, as follows."

Chairman WALSH. On May 27 Mr. Rockefeller says he wrote him again, as follows:

"DEAR MR. ROCKEFELLER: On May 3 I sent you a copy of the copper country number of the Fra Magazine. Our friends up North have distributed a large number of these, sending the magazines out from here, duly blue penciled.

"I have upward of a million names of members of boards of trade, chambers of commerce, advertising clubs, rotarians, Jovians, school teachers, all judges, members of Congress, etc.

"It seems to me that we could well afford to circulate a certain number of copies of the Fra containing a judicious and truthful write-up of the situation in Colorado. The price of extra copies of the Fra is \$200 a thousand.

"I expect to be in New York City next week and will call on you and talk this matter over in detail if it is agreeable to you.

"Just here I can not refrain from expressing my admiration for the advertising genius displayed by those very industrious, hard-working people, Bill Haywood, Charles Moyer, Mother Jones, Emma Goldman, Lincoln Steffens, and Upton Sinclair. They are continually stating their side of the controversy. I believe if we could state ours, not, of course, in the same way or with the same vehemence, that we would be benefiting the world to a very great degree.

"With all kind wishes, I am ever,

"Your sincere,

"ELBERT HUBBARD."

"I replied on May 30:

"DEAR MR. HUBBARD: Your letter of May 27 is received. I have read various of your writings from time to time with interest.

"The manner of publicity in connection with the Colorado situation is very properly being handled by the operators in Denver. Any suggestion, however, which you have to make I shall be glad to receive and pass on to them.

"I note that you are to be in the city within a few days and that you will call at my office.

"Very truly,"

That was signed by John D. Rockefeller?

Mr. WELBORN. Yes, sir.

Chairman WALSH (continuing reading):

"Since which time I have received a letter from him, under date of June 8, as follows:

"DEAR Mr. ROCKEFELLER: Your kind letter of May 30 received.

"I expect to be out in Denver within a few weeks, and I wish you would send me the name of the publicity man to whom your letter refers. I will then get in touch with him direct.

"I had a delightful game of golf with your father on Saturday. How fine and brown and well and strong he is.

"With all kind wishes ever, I am,

"Your sincere,

"ELBERT HUBBARD."

"And have written him to-day as follows:

"DEAR Mr. HUBBARD: Your letter of June 8 is received. I note that you are to be in Denver within a few weeks.

"In answer to your inquiry for the name of the publicity man representing the coal operators, I would suggest that you see Mr. Welborn, president of the Colorado Fuel & Iron Co., who is the chairman of the committee of operators in charge of publicity matters.

"Father has spoken of your visit to Tarrytown the other day and of the good game of golf which you had together. He is, indeed, in the best of health.

"Very truly."

That was signed by John D. Rockefeller, jr.?

Mr. WELBORN. I assume so.

Chairman WALSH. Did Mr. Hubbard call upon you?

Mr. WELBORN. No; he did not.

Chairman WALSH. I am just going to ask you the question generally, as applying to publicity: Do you understand that the operators in the coal industry understand that publications coming that way, with the suggestion that there is a charge for extra numbers of the paper—do they consider that unpurchased publication, unpurchased publicity, and unpurchased opinion?

Mr. WELBORN. I should say, yes. I am speaking of this circumstance particularly, as it is the only one I can recall ever coming to us. The man had apparently determined upon writing an article, and decided also on the general—decided generally what he wanted to say. My impression is that he never came to Colorado in connection with that article. If he did, I did not see him. His article was no different from what it would have been if we had not heard of it until after it was published. Therefore I see no reason why the article should not be regarded as unknown by the operators.

Chairman WALSH. Do you believe that a person who was writing an article under those circumstances would or would not be influenced by the hope of the reward which he asked for in his letter, dealing with a person now of large means, like Mr. Rockefeller?

Mr. WELBORN. The reward he obtained from the Colorado operators was not very great.

Chairman WALSH. No; perhaps not; I will come to that later, as to what he really got; but if he addressed this letter to Mr. Rockefeller and told him his price for extra copies was \$200 per 1,000, don't you believe when he wrote that article his writing would be biased by the hope of the reward he probably had in his mind at that time?

Mr. WELBORN. Taken in connection with the letters of Mr. Rockefeller to him that held out no encouragement whatever and suggested that he see me, which suggestion was not carried out or acted upon, I do not see any reason for assuming that he had any grounds at any rate for the hope of a reward.

Chairman WALSH. Then, it is your opinion, that publicity of that kind would be fair and honest publicity?

Mr. WELBORN. It is my opinion that that publicity was fair and honest.

Chairman WALSH. Outside of that publicity by Mr. Hubbard, would you consider that kind of publicity fair and honest?

Mr. WELBORN. Publicity that came about in the manner that this did, I should say was fair.

Chairman WALSH (reading):

"I am also inclosing a copy of 'A message to Garcia,' which will show you Mr. Hubbard's style if you have not happened to see any of his writings of late.

"I have spoken to Mr. Lee about Mr. Hubbard. His advice is to give Mr. Hubbard every facility for seeing and learning whatever he may care to know about the coal situation and to have it distinctly understood that he is making this study entirely on his own initiative, and at his own expense. If, after he has produced his article and you have read it, it seems to you something worth distributing, an arrangement for such distribution can be made with him.

"I have not seen Mr. Hubbard nor given him any encouragement in this matter, other than as set forth in the above correspondence.

"Very truly,

"JOHN D. ROCKEFELLER, Jr."

This letter is signed by John D. Rockefeller, jr.?

Mr. WELBORN. Yes.

Chairman WALSH. When and under what circumstances did you receive the copy of the Fra containing that?

Mr. WELBORN. I think that answer is set forth in my letter of the 16th—June 16—next attached in reply to Mr. Rockefeller, but I am not sure.

Chairman WALSH. I will read that, inasmuch as I have read the others; this is from yourself to John D. Rockefeller, jr., and dated June 16, 1914.

"MY DEAR MR. ROCKEFELLER: I have yours of the 9th instant quoting correspondence had with Mr. Elbert Hubbard, of East Aurora, respecting his proposal to publish something in his Fra concerning the coal strike.

"Through Mr. Henry M. Porter, one of the pioneers and successful business men of Colorado, I recently learned of Mr. Hubbard's intention regarding our strike. Mr. Porter is one of the substantial men of Colorado who has been saying a good word for our cause wherever and whenever he could, and has rendered some substantial financial assistance in certain desirable quarters. He was anxious to assist in distributing 1,000 copies of the Fra which is to contain the Colorado article, as an encouragement to Mr. Hubbard, and for that purpose offered to contribute \$50. Largely because of his interest in the matter, the coal operators agreed to contribute the remaining \$150.

"Mr. Hubbard's price for extra copies of his publication is to my mind high, although if, as I understand, the Fra has a wide circulation, it will in the natural course reach a great many people who are undoubtedly anxious to learn the facts concerning the Colorado strike troubles. I furnished Mr. Porter a good deal of data covering important facts in connection with the strike, to be forwarded to Mr. Hubbard, and we can determine after he has produced his article whether or not we should go any further than we already have in enlarging its distribution.

"I am obliged to you for sending me a copy of 'A message to Garcia.' I read it at the time it was first published and have frequently quoted it since, but lost my original copy and therefore am especially glad to have a new one.

"Yours, very truly,

"J. F. WELBORN."

Did you see the article after it was produced?

Mr. WELBORN. Yes. We purchased—we got our proportion to the 1,000 copies furnished.

Chairman WALSH. You say there, "And we can determine after he has produced his article whether or not we should go any further than we already have in enlarging its distribution." Did you go any further in enlarging its distribution; did you buy any more?

Mr. WELBORN. No. We bought no more than the number set forth in that letter.

Chairman WALSH. Was the \$200 contributed to Mr. Hubbard before you saw the article?

Mr. WELBORN. No; it was not; I think Mr. Porter handed me a copy of it. He got an early issue of the magazine before I saw it or obtained it in some other source.

Chairman WALSH. I see a letter of October 22, 1914—October 19, 1914, "Dear Mr. Welborn"—this is a letter from Mr. Easley, secretary of the National Civic Federation.

Mr. WELBORN. I think the copy of that must be among the lot I have not yet received from Mr. West, but I think that will make no difference.

Chairman WALSH. Do you have Mr. Easley's original letter in your file?

Mr. WELBORN. I think not.

Chairman WALSH. Do you know what has become of that?

Mr. WELBORN. I think one of those letters was returned to New York by Mr. Lee. May I ask, before you go any further, that Mr. West furnish me copies of the letters that he copied, that he had copied.

Chairman WALSH. On the stand, you mean now?

Mr. WELBORN. Yes; so that I may have them before me when you read them. I think those were copies of some that have been copied at my office.

Chairman WALSH. Refer, please, to the letter of August 28, from John D. Rockefeller.

Mr. WELBORN. I may not have it, so proceed, Mr. Walsh.

Chairman WALSH. I want to get through here as hurriedly as possible, nevertheless, anything that you think requires an explanation or additional reading, please be free to do so. Sometimes an extract may leave something open to mistake, and we do not want to do that.

Mr. WELBORN. All right.

Chairman WALSH. This is a letter from Seal Harbor, Me., dated August 28, 1914, as follows:

"DEAR MR. WELBORN: Your full and interesting letter of August 20 is received. We have never questioned the relations existing between the officers of the fuel company and the employees, both from statements made by the executive officers and the various official reports which have been issued. We have always believed that the fuel company stood out as conspicuous because of that great care given this very question. I am sure you will understand, therefore, that no thought of criticism led to the suggestions made you in my earlier letter. I fully understand your point of view and quite agree with your conclusion that, however desirable some such plan as suggested by Mr. King may be for future consideration, in order to give additional assurance that any just cause of complaint by an employee can be brought to the attention of the officers, it is not desired to take the subject up at this time.

"Mr. Greene, who has taken Mr. Gates's place in our office and who has no personal knowledge of the fuel companies' properties, has for many months been desirous of going to Colorado to familiarize himself with the mills and mines simply for his own information. Mr. Murphy has also wanted to make this trip. Thus far we have felt that for any representative from our office to be known as visiting Colorado might be misconstrued by the public and used to our disadvantage or the disadvantage of the company. Do you think that would still be true at this time, or do you believe that Mr. Greene could go to Colorado quietly within the next month or two without prejudicing the situation? Please write me quite frankly your opinion. It is not at all vital that he should go, the sole value of the trip would be to give him a better knowledge of the properties owned by the company so that he could take more helpful part in our councils.

"Very sincerely,

"JOHN D. ROCKEFELLER, Jr."

Is the Mr. King referred to in that letter Mr. Mackenzie King?

Mr. WELBORN. Yes.

Chairman WALSH. What was the plan suggested by Mr. King for your future consideration?

Mr. WELBORN. Do you have attached to that correspondence a copy of my letter of August 20, 1914, referred to by Mr. Rockefeller?

Chairman WALSH. Yes.

Mr. WELBORN. I don't know whether this will give you an idea of Mr. King's plan or not, but I seem not to have a copy of it. I do not suppose I returned it to New York.

Chairman WALSH. This letter begins by saying—this is your letter—"I am in receipt of yours of the 11th instant, inclosing extract from a letter of W. L. Mackenzie King, dated August 1, suggesting the adoption of certain machinery providing for easy access on the part of the fuel company employees to its officers, and asking for an expression of my views on the subject covered."

Now, I do not want to go into that unless you do, but I want to find out the plan Mr. King suggested to you in its general aspects—substantially what plan.

Mr. WELBORN. The suggestion was not offered as expressing his views as to what would fit the Colorado situation, but he outlined, as I remembered it, a plan which he had found to operate successfully in some other cases. He had no personal knowledge of the Colorado conditions, and expressed himself as having, I think, little confidence in his plan, as to its being applicable to our situation, but only presented it for such consideration as we cared to give it. Whether or not my letter in reply will give a clear idea of the details of his plan or not I can not say at this moment.

Chairman WALSH. I will read your letter over.

Mr. WELBORN. It is a pretty long letter.

Chairman WALSH. I will read it over: "September 14th"—

Mr. WELBORN. That is not my letter. The one I wrote is the one preceding the one from Mr. Rockefeller which you have just read.

Chairman WALSH. I skipped through it, and I don't—did not gather anything more about the plan, except I was very much impressed with Mr. King's presentation of the matter, and especially with reference to the matter of the conciliation board. Do you recall anything further in regard to the plan suggested by Mr. King, except as to the conciliation board?

Mr. WELBORN. No, sir; I do not.

Chairman WALSH. Have you had any other communications with Mr. Rockefeller—of Mr. Rockefeller with Mr. King upon that subject?

Mr. WELBORN. I have not.

Chairman WALSH. Did you have any communications with Mr. Rockefeller with reference to the policy of the company in regard to this strike, other than by telegram and letter? In other words, did you telephone to him over the long distance telephone?

Mr. WELBORN. No, sir; I did not, and from the time the agitation commenced until last September I did not see Mr. Rockefeller. There was a period of about one year prior to September, 1914, when I did not see him.

Chairman WALSH. Have you any other correspondence with Mr. Rockefeller between those dates with regard to the strike?

Mr. WELBORN. No.

Chairman WALSH. This contains all of the correspondence?

Mr. WELBORN. Yes; this contains all of the correspondence.

Chairman WALSH. This just runs from April 30—I mean from September 23, 1913, to April 30. Did you have correspondence with him?

Mr. WELBORN. No; I had none. I had no correspondence with him. It so happens that the telegram which was read into the record on Saturday was really the first one—the first communication that I received from Mr. Rockefeller in connection with the strike.

Chairman WALSH. Did you have any communication from any other of the directors except Mr. McClement, Mr. Murphy, and Mr. Rockefeller?

Mr. WELBORN. No; not to my knowledge.

Chairman WALSH. Was there any person here that went back and forth between Colorado and New York during the controversy?

Mr. WELBORN. No.

Chairman WALSH. Any person charged with that particular duty?

Mr. WELBORN. No, sir.

Chairman WALSH. No other executive officer of your company?

Mr. WELBORN. No.

Chairman WALSH. No one from New York that came back and forth here?

Mr. WELBORN. No.

Chairman WALSH. Who is it from New York that has to do with coming out here and inspecting the properties, etc., if anyone?

Mr. WELBORN. The New York directors have not come out very often. Mr. McClement has been here twice in this year.

Chairman WALSH. Has any person for them come out?

Mr. WELBORN. No; no one, recently.

Chairman WALSH. Now, unless there is something you would like to call particular attention to by way of explanation of this correspondence, the commission will take it and read it at its leisure on account of its voluminousness.

Mr. WELBORN. I have nothing, I think, Mr. Commissioner, and yet, I think that in view of the suggestions and rather indefinite criticism passed on the

telegram which was read into the record here, the one from Mr. Rockefeller to me, it might be well to read the correspondence which immediately followed that, and which has direct bearing on the subject covered by that first message.

Chairman WALSH. Very good. You may go ahead and do that.

Mr. WELBORN. The message which was read into the record the other day was the second one received from Mr. Rockefeller, of April 30. The first one read as follows:

NEW YORK, April 30, 1914.

Messrs. J. F. WELBORN and L. M. BOWERS:

Following telegram received last night from Dr. Foster: "William Green, secretary-treasurer of the International Mine Workers' Union, makes public statement that mine workers will waive any recognition of the union or unionizing camps. Are you willing to enter into negotiations for settlement of strike on that basis and stop the killing of men, women, and children? I strongly urge you to do so and believe the strike can be ended without recognition of the union and all the other differences can be amicably settled. In my judgment it is your duty to do so." To which I replied as follows: "Your telegram last night is received. I am forwarding it to the officers of the Colorado Fuel & Iron Co. in Denver, who with the officials of the other mining companies in Colorado, are the only ones competent to deal with the question therein referred to."

JOHN D. ROCKEFELLER, Jr.

Commissioner WEINSTOCK. To whom was that telegram sent?

Mr. WELBORN. To Dr. Foster, chairman of the investigating committee that investigated us.

Commissioner WEINSTOCK. And that is in reply to a wire from Dr. Foster to Mr. Rockefeller?

Mr. WELBORN. Yes; which Mr. Rockefeller sent to me, and this reply was sent to Dr. Foster: The coal operators had a meeting that day, or a few of them, and sent this telegram to Dr. Foster, dated April 30, 1914:

DENVER, COLO., April 30, 1914.

Hon. M. D. FOSTER,

House of Representatives, Washington, D. C.:

Answering your telegram of last night addressed to Mr. John D. Rockefeller, Jr., and referred to Colorado coal mine owners for reply. When on April 16 the governor withdrew all except a small detachment of militia from the field, law, order, and quiet prevailed in this State. There were employed by the operators of coal mines more than 10,000 apparently contented men.

On the morning of April 20 the striking miners in the Ludlow tent colony, 2 miles from the nearest coal mine, placed their women and children in what they considered places of safety and made an armed attack upon the militia encamped nearby. The fight continued throughout the day and several men were killed. During the battle the tent colony was destroyed by fire. Next day the bodies of 2 women and 11 children were discovered in a hole under a tent where the strikers had placed them when the attack upon the soldiers was begun. They had all been suffocated. None of these children and no woman was killed by rifle fire, nor did the soldiers know or have any reason to suspect the presence of noncombatants where the strikers had concealed them.

On April 23 Lawson, international board member, United Mine Workers of America and the leader of the strikers, in an interview published through the State, asserted that a war of extermination would thenceforth be conducted by the strikers, and Doyle, secretary of the U. M. W. of A., by wire, instructed the officials of local unions to watch for the approach of the militia, which had been again ordered back into the field. The meaning and purpose of such language was obvious.

Since that time the strikers, in armed bands varying in number from 50 to 400, have attacked the town of Delagua from the hills and killed three men. They have dynamited and burned the buildings and equipment of the Empire, Southwestern, and Green Canon mines, at Aguilar. They have driven men, women, and children into the Empire mine and sealed the entrance with explosives. After the declaration of a truce agreed to between the governor and Hawkins, attorney for the U. M. W. of A., they drove the postmaster and others away from the Sunnyside mine and took possession of it, as well as the Pictou mine. They dynamited the tipples at the McLaughlin mine, and fired many shots into the buildings at Maitland. They forcibly entered the store building at

Rockvale and carried away guns and ammunition. They attacked the buildings and dwelling houses at the Chandler mine and kept up a merciless fire from the hills for nearly 40 hours, killed one man and finally took possession of the camp by slipping in a number of men under a white flag. They have burned, dynamited, and completely destroyed the McNally mine, in Huerfano County, kept up an almost continuous fire from entrenchments for 50 hours upon the Walsen mine, wounded one woman, killed and wounded four men and killed a surgeon wearing Red Cross insignia while attending wounded soldier on field. They viciously attacked the Hecla mine, in Boulder County, killed one and wounded three men and drove all employees and their families to cover for many hours. They attacked the Forbes mine, in Las Animas County, with a force of 400 armed men, killed seven miners, including four Japanese and burned everything in sight, including a stable and 33 mules.

In the prosecution of their campaign of extermination, the foregoing are some of the things these men have done during the past few days with the tacit consent, active cooperation, and under the personal direction and control of officers and paid agents of the United Mine Workers of America.

As before stated, the coal-mine operators of this State now have in their employ about 10,000 men who are satisfied with the conditions of their employment. We promised these men protection from personal violence when the strike was called, and they have stood loyally by their employers under most trying circumstances, disregarding the dangers and privations incident to the recent armed attacks of the strikers upon them and their homes. With these men we will always treat concerning matters affecting their welfare. But we can not enter into negotiations of any character with the officers and agents of the United Mine Workers of America, who alone are responsible for the terrible reign of disorder and bloodshed which has disgraced this State. Instead of it being our duty to do so, we conceive it rather to be the duty of the officials of the U. M. W. of A., who called the strike, to now call it off. They can do so if they see fit, and by so doing they will, within an hour, in a great measure restore industrial peace and prosperity to this State.

In no event will the American people, when fully advised, long permit twelve or fifteen hundred armed strikers to continue their unlawful efforts to prevent 10,000 law-abiding and industrious men from working for whom, when, and upon such terms as they see fit.

The Colorado Fuel & Iron Co., by J. F. Welborn, president; the Rocky Mountain Fuel Co., by David W. Brown, president; the Victor-American Fuel Co., by C. F. Bartlett, jr., vice president; the Oakdale Coal Co., by William B. Lewis, president; the South Canon Coal Co., by Harry F. Nash, general manager; the Primrose Coal Co., by H. B. King, president; the Rugby Fuel Co., by George D. Kimball, general manager; the Huerfano Coal Co., by S. S. Murphy, president; Fruth & Autrey; the Consolidated Coal & Coke Co., by C. L. Baum; the Routt County Fuel Co., by E. L. Prentiss, president; the Yampa Valley Coal Co., by P. M. Peltier, president; Hayden Bros. (Juniper mine), by Lewis A. Hayden; the Empire Coal-Mining Co., by Marthens & Siple; the Southwestern Fuel Co., by J. W. Siple, president; National Fuel Co., by H. Van Mater, president; the Royal Fuel Co., by H. Van Mater, president; the Union Coal & Coke Co., by J. V. Bowen, president; Moffatt Coal Co., by S. M. Perry, president; Leyden Coal Co., by S. M. Perry, president.

Commissioner WEINSTOCK. Addressed to Mr. Foster?

Mr. WELBORN. Addressed to Mr. Foster.

Commissioner WEINSTOCK. May I have that letter?

Mr. WELBORN. Yes; there are copies of it going into the record.

Chairman WALSH. Did you identify this as the others were identified?

Mr. WELBORN. You say will I?

Chairman WALSH. Have you?

Mr. WELBORN. No. You have a memorandum—

Chairman WALSH (interrupting). Well, will you do that and let it go into the record?

Commissioner WEINSTOCK. I want a copy of that for my personal reference. Will you furnish that?

Mr. WELBORN. Yes. I will furnish you this complete file.

Immediately after that telegram was sent out, we received from Mr. Rockefeller the suggestion contained in the message which was published and read the other day. I think I will read that again:

"Referring to my telegram of this morning repeating telegrams from and to Dr. Foster, the letter of Gov. Ammons of November 27 to the operators and miners shows that at that time the only obstacle to a settlement was recognition of the union. He then suggested a solution covering all points except recognition, and the operators accepted his suggestion, invited their employees who had not been guilty of disorder and other unlawful acts to return on the terms mentioned by him, assured him and their former employees that they would conform in good faith to all of his suggestions. It seems to us that the operators should call Dr. Foster's attention to these facts and reiterate their willingness to accept this settlement. By so doing they will place themselves in a very strong position before the public in that it would be evident that all disorders since November 27 has been due to the refusal of the unions to accept the settlement which was then proposed by the governor and accepted by the operators, but rejected by the miners, unless in the meantime there has been an important change in the situation. As stockholders and directors we strongly urge that the operators make reply to Dr. Foster along these lines."

We then, on May 1, wired Dr. Foster as follows [reading]:

"In connection with and as supplementing operators' telegram to you last night, permit us to call your attention to the fact that on November 26 last, in the governor's office, a conference was held between three of the operators and representatives of their former employees then on strike. It developed in the conference that the only obstacle to settlement was the strikers' insistence upon union recognition on November 27. The governor suggested in writing to those present at the conference a solution covering all points except recognition of the union. His letter was as follows:

"DENVER, COLO., November 27, 1913.

"Messrs. J. F. Welborn, John C. Osgood, D. W. Brown, operators, and Messrs. T. E. Evans, Archie Allison, David Hammon, miners, Denver, Colo.

"GENTLEMEN: Having listened to your conference throughout yesterday and believing from representations made that there is no material difference between you sufficient to warrant a continuance of the present difficulties, I desire to make a suggestion for the termination of the present industrial dispute.

"The only apparently insurmountable obstacle to a settlement was the recognition of the union, and almost every other material difference between you hinged about that question or is covered by existing law.

"There is no law compelling the operators to recognize the union nor to permit the employees to exact that recognition. The statute does provide, however, for the right to join a union, if the miners so wish, without coercion or interference. This law has been read to all the conferees and its provisions agreed to by each conferee. It reads as follows, and I suggest to you that its provisions be made the basis of a conclusion on this point:

"It shall be unlawful for any individual, company, or corporation, or any member of any firm, or agent, officer, or employee of any company or corporation, to prevent employees from forming, joining, or belonging to any lawful labor organization, union, society, or political party, or to coerce employees by discharging or threatening to discharge them from their employ or the employ of any firm, company, or corporation because of their connection with such lawful labor organization, union, society, or political party" (Sec. 3925, Revised Statutes of Colorado, 1908.)

"Bearing in mind the discussion on the other points involved, I suggest the following as a satisfactory solution:

"The employment of a checkweighman as provided by law, giving the miners themselves the right to choose their own checkweighman.

"The carrying out in good faith the statute making it unlawful to use or employ, directly or indirectly, the so-called "truck" or "scrip" system in the payment of men.

"The enforcement of the law for an eight-hour day in all underground mines and coke ovens, as provided in chapter 95 of the session laws of 1913.

"That all employees shall have the right to buy where they will, without interference or coercion of any kind whatsoever.

"That all employees shall have a semimonthly pay day, according to the custom now prevailing in coal mines over most of the State.

"That all employees shall have the right to board where they please.

"The enforcement of all the provisions of the coal-mine inspection law of 1913, providing for the safety of the mines and the protection of the life and health of the employees.

"That all employees now on strike shall be given employment, except where their places have been filled or where they have been guilty of violence or other unlawful acts; and that where places have been filled, other work will be furnished as soon as practicable.

"Respectfully submitted.

"ELIAS M. AMMONS, *Governor.*"

The operators accepted the suggestions of the governor, and invited their employees to return to work upon the conditions named. Their letter of acceptance was as follows:

DENVER, COLO., November 27, 1913.

Hon. E. M. AMMONS,
Governor of Colorado.

SIR: We are just in receipt of your letter of this date, and hereby accept your suggestions for a termination of the strike of our former employees.

We invite them to return to work on the terms mentioned by you, and assure you and our former employees that we will conform in good faith to all the suggestions contained in your letter.

Sincerely,

J. F. WELBORN.
D. W. BROWN.
J. C. OSGOOD.

The strikers refused to accept the terms of settlement proposed by the governor, and approved by the operators, and all the disorder and bloodshed in this State, since November 27, has been due to this attitude of the officers and members of the United Mine Workers of America. We still consider the plan of the governor legally and industrially sound and have never retracted our formal approval thereof.

The Colorado Fuel & Iron Co., by J. F. Welborn, president; the Rocky Mountain Fuel Co., by David W. Brown, president; the Victor-American Fuel Co. by C. F. Bartlett, jr., vice president; the Routt County Fuel Co., by E. L. Prentiss, president; the Yampa Valley Coal Co., by P. M. Peltier, president; Hayden Bros. (Juniper mine), by Lewis A. Hayden; the Oakdale Coal Co., by William B. Lewis, president; the South Canon Coal Co., by Harry F. Nash, general manager; the Primrose Coal Co., by H. B. King, president; the Rugby Fuel Co., by George D. Kimball, general manager; the Huerfano Coal Co., by S. S. Murphy, president Fruth & Autrey; the Consolidated Coal & Coke Co., by C. L. Baum; the Empire Coal Mining Co., by Marthens & Siple; the Southwestern Fuel Co., by J. W. Siple, president; the National Fuel Co., by H. Van Mater, president; the Royal Fuel Co., by H. Van Mater, president; the Union Coal & Coke Co., by J. V. Bowen, president; the Moffatt Coal Co., by S. M. Perry, president; the Leyden Coal Co., by S. M. Perry, president; the Sunnyside Coal Mining Co., by W. F. Oakes, president; the Royal Gorge Coal Co., by E. C. Bettis, president.

Mr. WELBORN (continuing). Mr. Foster wired me—I did not read his telegram in answer to our first message. It was dated May 1:

Mr. J. F. WELBORN,
President of the C. F. & I. Co., Denver, Colo.:

Will you kindly tell the coal operators that I have read their telegram of yesterday, describing recent disturbances. Inform them that I am anxious for an arbitration regardless of who is to blame; national sentiment demands a settlement of the controversy; many causes for discontent are alleged to exist; the deplorable conditions set forth in their telegram should convince them that it is their duty to agree to submit the matter to a fair board of arbitration so as to stop the loss of life and destruction of property on both sides.

MARTIN D. FOSTER,
Chairman Committee on Mines and Mining of the House of Representatives.

The next day he wired in response:

[Telegram.]

THE COLORADO & WYOMING TELEGRAPH CO.,
Washington, D. C., May 2-3.

J. F. WELBORN:

Supplementary telegram received. I have always understood the reasons the miners refused to accept the suggestions of settlement of strike ordered by the governor was because they did not provide a means whereby the miners could present better grievances in the future. William Green, secretary-treasurer, of the United Mine Workers of America, in a signed and published statement, says that the question of unionizing the mines is not the issue. Why can not all other questions be now submitted to arbitration regardless of failure to adjust differences in the past?

M. D. FOSTER,
Chairman Committee on Mines and Mining, House of Representatives.

On May 1, he wrote me a letter, which was received May 4. That is as follows:

COMMITTEE ON MINES AND MINING,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 1, 1914.

Mr. J. F. WELBORN,
Denver, Colo.

DEAR MR. WELBORN: I am in receipt of a telegram from you and other operators in the Colorado coal fields, and beg to say in my interview with Mr. Rockefeller, he refused to arbitrate, saying there was nothing to arbitrate, except the recognition of the union, which he would not do.

I told him the strike in Pennsylvania in the anthracite region, and also in West Virginia, had been settled without the recognition of the union, and I believed he ought to make an effort to settle it in Colorado on some such basis.

I realized that men should have the right to work without belonging to a union, and that right is inherent in every man, and also that men should have the right of collectively bargaining their labor if they can do so peaceably.

I have not urged upon Mr. Rockefeller or the members of the Coal Operators' Association of Colorado that they must recognize the union, but I believe, according to the statement of Mr. William Green, secretary-treasurer of the International Mine Workers of America, when he said that the matter could be taken up and settled without recognition of the union, that was the time to take hold in this matter and induce Mr. Rockefeller, if I could, and through him the operators of Colorado, to see if it was not possible to select a nonpartisan, unbiased board of men who would carefully look into the matter, doing justice to both sides, and bring about peaceful settlement of this strike, which has resulted in such loss of life and has cost so much money.

I am very much disappointed in not seeing this brought about, and I assure you that my only interest is that the matter might be amicably settled with justice to both parties, and a still hope that such may be the case.

Assuring you that I devoutly hope for such a termination, I am,

Yours, truly,

M. D. FOSTER.

A telegram was sent to Mr. Foster in response to that letter, signed by Messrs. Osgood, Brown, and Welborn:

"DENVER, May 4, 1914.

"Hon. M. D. FOSTER,

"House of Representatives, Washington, D. C.:

"Your telegrams first and second letter first received. Secretary Wilson attended most important part of meeting in Gov. Ammons's office November 26, between three striking coal miners and three representatives of operators. He entered into discussion of form in which Gov. Ammons's proposal for termination of strike should be made to miners and operators, and we believed approved the ideas of the governor there expressed and which were reduced to writing in his joint communication of November 27."

Now, that was the communication I read a few moments ago.

"Gov. Ammons stated that he had been led to believe that if he could secure conference of miners and operators and an acceptance by the operators of such a proposition as he made to us, that recognition of the union would be waived and the strike called off. He was much surprised and considered it an evidence of bad faith that his proposition was not accepted by the strikers as it was by the operators. We believe that the influence of Secretary Wilson the strike can be brought to to a close, and that considering his participation in the conference with Gov. Ammons and the understanding between Gov. Ammons and labor leaders, he should use his efforts in that direction. Our miners have been perfectly free to and have presented their grievances to officials higher in rank than those directly in charge of the workmen, and those grievances have been given careful consideration. We always stand ready to confer with our men and they know it. Through the presence of Federal troops in the strike zone law and order have been reestablished; we have all of the men we can give employment to, and we can not honorably consider any course that would require the discharge of any number of our loyal workmen, and the employment in their places of those responsible for the destruction of our property and the killing of our men.

"J. C. OSGOOD.

"J. F. WELBORN.

"D. W. BROWN."

Subsequent to that the operators in Colorado other than the Colorado Fuel & Iron Co. sent on a telegram to the President:

DENVER, COLO., May 4, 1914.

To His Excellency the PRESIDENT OF THE UNITED STATES.

Washington, D. C.:

In order that you may be more fully informed with reference to our position respecting these so-called United Mine Workers of America, we deem it proper and timely to advise you as follows:

We each operate independently of the other and of the Colorado Fuel & Iron Co. The aggregate production of our mines is between 60 and 70 per cent of the total annual coal production of Colorado. Neither John D. Rockefeller nor John D. Rockefeller, jr., nor any controlling stockholder, director, or officer of the Colorado Fuel & Iron Co. has any interest, directly or indirectly, financially or otherwise in our business. Our position with respect to the United Mine Workers of America is absolutely independent of that which has been or hereafter may be taken either by the Colorado Fuel & Iron Co., or by its officers or directors, or by Mr. Rockefeller or John D. Rockefeller, jr., although we heartily indorse the position they are now taking.

We deplore the unjust attacks upon Mr. Rockefeller. It is neither fair not just to him nor to us to place the burden upon, nor give him sole credit for the position we are maintaining. Independent of any stand he has taken or may take, we have endeavored to strive, and must continue to fight for the maintenance of fundamental principles of government and law.

In the present issue we are not opposing or waging a war against organized labor as such. We are, however, unalterably of the conviction that we can never recognize nor have any dealings of any kind with the organization purporting to be a labor union and calling itself the United Mine Workers of America.

Prior to September 23, 1913, Colorado, as to its coal-mining industry, was open-shop territory. The men in our mines were contented, industrious, and law-abiding citizens. For a number of years the United Mine Workers had made sporadic efforts to unionize the Colorado coal mines, but without success. For a few years prior to April, 1910, the operators in a small district in northern Colorado entered into contractual relations with this organization, but their experience was so disastrous they were forced to discontinue.

After having conducted an unsuccessful strike in the northern Colorado fields, since April, 1910, the national officers of the United Mine Workers determined in the summer of 1913 that the time was opportune to again inaugurate a campaign to force the Colorado operators to enter into a contract with it, and thereby require them to coerce their employees into becoming members thereof. To effect these purposes, they sent a large number of their paid labor agitators from other States into Colorado. The official member-

ship rolls of this organization in district 15, of which Colorado is a part, at that time contained the names of 2,048 out of a total of 23,000 men employed in the coal-mining industry in that district. The agitators mentioned and certain delegates of their selection met in a so-called convention at Trinidad in September, 1913, and called a strike of our workmen. By threats and intimidation, by incendiary and anarchistic speeches, and through fear of bodily injury or death, many of our employees were induced to go on strike. This strike was in its inception, and always has been, a strike for union recognition only. Other pretended demands formulated at the so-called convention at Trinidad were fully guaranteed by our statutes. The coal-mining code of Colorado is the most strict and comprehensive of that of any State, and was prepared and approved by a committee, one of whom was John Lawson, leader of the present strike, and another of whom was James Dalrymple, State coal-mine inspector, and a member of organized labor. Our statutes are enforceable and have been and are being enforced.

Since this strike was called certain of our former employees, under the leadership of the paid agents and officers of the United Mine Workers, supplied with guns purchased with moneys from its treasury, have in armed force openly and successfully defied our State government and have caused a state of insurrection and anarchy to prevail in this Commonwealth. They have burned our mines, driven law-abiding citizens and their families from their homes, and murdered our employees. They have denied to us and to our employees all rights and privileges accorded by the laws and Constitutions of the State of Colorado and of the United States. They have even presumed to refuse to comply with the demands of the United States Army officers without taking a referendum vote of all their members in Colorado to surrender to the military forces of the United States the arms with which they have committed these felonies.

We submit with all deference that we ought not to be asked to deal with an organization whose officers, leaders, and members have been guilty of these acts. Such sympathy as exists in their behalf is based either upon a lack of information or the mass of misinformation and misrepresentation contained in recent issues of the public press.

There are to-day employed by the owners of coal mines in this State more than 10,000 men. They and their wives and children live in villages, many of which have within 10 days sustained the rifle fire of about 1,500 members of the United Mine Workers of America. We can not remove our mines to other places, and we will not, unless forced to do so, close them at the behest of a comparatively few members of a lawless organization and set adrift the loyal employees now upon our pay rolls.

If the 2,000 members of this organization now militant in this State do not care to work in our mines it is their privilege to decline to do so and go elsewhere into unionized fields where conditions are more to their liking; and the officers of the organization to which they belong will once and for all settle the unrest which prevails here if they will expend some small portion of their funds to remove their dissatisfied members from this field instead of further increasing their lavish expenditure in the promotion of strife and bloodshed.

The issue in Colorado has ceased to be, if it ever was, one between capital and labor. In our judgment, no question of the rights of organized labor are involved. By the use of the vicious check-off system the leaders of the United Mine Workers of America have coerced thousands of industrious and law-abiding citizens into joining their organization, and these leaders, by precept and example, have converted these men into enemies of organized government. This organization, by force of numbers, by its control of labor, and by virtue of the millions of dollars in money forcibly collected from its members, has become so powerful that its leaders are now defying organized society to thwart its plans to rule or ruin.

By their criminal acts the leaders of the United Mine Workers of America have forfeited any claim that organization ever had to be considered a labor union, and have foreclosed any right it may have possessed as a pretended labor union to demand of us that we have business dealings with it.

We respectfully submit that the one and only question now at issue in this State is one of law and order, and the maintenance of the constitutional privilege of every man to work when, where, for whom, and upon such terms as he sees fit. Shall government prevail, or shall anarchy and lawlessness rule?

We are and at all times have been engaged in a lawful business, and we are conducting and have always conducted our business in a lawful manner. The

military forces of the United States are now in control of the strike districts in Colorado, and we earnestly and respectfully ask that law and order be made to prevail in this State to the end that we may operate our mines and conduct our business in that peaceable and orderly manner guaranteed to every law-abiding citizen, and that our workmen may pursue their lawful avocations and reside at their homes without the constant fear of death at the hands of lawless mobs.

The Rocky Mountain Fuel Co., by David W. Brown, president; the Victor-American Fuel Co., by J. C. Osgood; the Oakdale Coal Co., by William B. Lewis, president; the South Canon Coal Co., by Harry F. Nash, manager; the Primrose Coal Co., by H. B. King, president; the Rugby Fuel Co., by George D. Kimball, general manager; the Huerfano Coal Co., by C. S. Murphy, president; Cedar Hill Coal & Coke Co., by D. M. Harrington, president; the Routt County Fuel Co., by E. L. Prentiss, president; the Yampa Valley Coal Co., by E. M. Peltier, president; Hayden Bros. (Juniper mine), by Lewis A. Hayden; the Empire Coal Mining Co., by Marthone & Siple; the Southwestern Fuel Co., by J. W. Siple, president; the National Fuel Co., by H. Van Mater, president; the Royal Fuel Co., by H. Van Mater, president; the Union Coal & Coke Co., by J. V. Bowen, president; Moffatt Coal Co., by S. M. Perry, president; Leyden Coal Co., by S. M. Perry, president; Sunnyside Coal Mining Co., by R. F. Oakes, president; Royal Gorge Coal Co., by E. C. Battis, president.

Mr. WELBORN. That completes that file. I didn't know it was so long, or I would not have gone into it.

Chairman WALSH. Commissioner Garretson would like to ask you a few questions.

Mr. WELBORN. Very good.

Commissioner GARRETSON. Going back to that question of advertising, Mr. Welborn, if you received—now, I don't want to be guilty of sacrilege in a case like that of Fra Elbertus—if you received the same form of communication from a country editor that Mr. Rockefeller received from Fra Elbertus would you look on it as a touch or not?

Mr. WELBORN. I don't know that I would; not necessarily. Some country editors have written some very truthful things about the strike, and we have quoted some of the so-called country editors, I think, at times—

Commissioner GARRETSON. You have paid "the freight"?

Mr. WELBORN. The "freight" has not always been an item or necessary.

Commissioner GARRETSON. But where it has been drawn to your attention?

Mr. WELBORN. If it became necessary to ask the man to reproduce a considerable number of copies of his paper, we were quite willing to, and I think have, paid the cost of the reproduction. In other cases we have simply used a clipping from his paper; perhaps in our bulletin or in some other letter or by some other means quoted him.

Commissioner GARRETSON. What difference would there be between a proposition of that kind and this one?

Mr. WELBORN. I see no—

Commissioner GARRETSON (interrupting). I mean the one I am going to draw to your attention.

Mr. WELBORN. Oh.

Commissioner GARRETSON. Some time since, in a State that has the referendum, in which there was a measure referred to the voters that was of interest to the men I represent, the legislative committee of that State telegraphed me that a newspaper, a daily of very considerable prominence, had made them the proposition that if they would insert a page advertisement, worth \$800, that they would comment favorably editorially for the passage of the law. I wired back there was nothing doing. The editorial columns the next day were strongly against the proposition. I interpreted that to mean that I could buy the editorial column by buying advertising space. Did you look on this proposition that way?

Mr. WELBORN. No, indeed. And I don't think there is any justification for taking that view of it. Mr. Hubbard, I think, did not know until after his article was published—had no reason for knowing, anyway—that we would take any considerable number or any number whatever. If you will recall the correspondence between him and Mr. Rockefeller, he mentioned the fact that

the Michigan operators had taken a million copies, whereas the Colorado Fuel & Iron Co. took one-thousandth part of that, or, in other words, 1,000.

Commissioner GARRETSON. In other words, you did not value his opinion as highly as the Michigan men?

Mr. WELBORN. We saw no reason to expend a large amount of money in the distribution of what he had to say of his views on the question. Besides, his price was high, as I stated in my letter to Mr. Rockefeller.

Commissioner GARRETSON. It is a matter of market?

Mr. WELBORN. Well, not entirely so; market and value of the property.

Commissioner GARRETSON. If the price had been less you would have taken more?

Mr. WELBORN. Not necessarily. I say it is a question of value and quality of goods.

Commissioner GARRETSON. Now, one thing further in regard to your publicity agent, Mr. Lee. Mr. Lee appears as the publicity agent of the Pennsylvania Railroad. That is his official position.

Mr. WELBORN. I am not prepared to say it is. I know his title is executive assistant.

Commissioner GARRETSON. Oh, yes; but it don't mention the direction in which his executive capacity is exercised.

Mr. WELBORN. No, sir.

Commissioner GARRETSON. Are you aware of the fact that that is his duty with that company?

Mr. WELBORN. I have understood that he did some work of that kind, although I am quite sure he does other work.

Commissioner GARRETSON. Are you also aware that he is publicity agent of the Eastern Association of General Managers of 53 eastern railways?

Mr. WELBORN. No; I am not.

Commissioner GARRETSON. Are you aware whether or not he is the publicity agent of the railway companies in the late efforts at rate increase before the Interstate Commerce Commission?

Mr. WELBORN. No; I am not.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all; thank you.

Commissioner WEINSTOCK. Just one question.

Chairman WALSH. Commissioner Weinstock has a question.

Commissioner WEINSTOCK. You were present, Mr. Welborn, when Senator Patterson testified?

Mr. WELBORN. Yes; I was.

Commissioner WEINSTOCK. You recall that among other things the question was put to him where in his opinion the three interested factors had made mistakes?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. The operators, the workers, and the State administration?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And in the matter of the State administration he expressed it as his opinion that the governor had made a mistake in changing his policy; that the original policy, as he understood it and as he testified before this commission, was that the militia were to be used only to protect the lives and properties of both parties?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. That they were to be nonpartisan?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. But that later, according to Senator Patterson's testimony, the governor had changed his policy, and had afforded protection to the strike breakers that were imported from outside, and that he felt that that was a serious mistake on the part of the administration.

Now, will you tell this commission in what respect the conditions are different to-day from what they were under the administration with the State militia of Gov. Ammons? Can you to-day, with the Federal troops protecting the lives and properties of parties, can you to-day import workers from outside of the State and secure for them protection at the hands of the Federal troops?

Mr. WELBORN. We could not import, in the manner that that term is used by you at this time, men, because that would be against—I think against the orders of the Federal troops. We are permitted now to employ any one who may come.

Commissioner WEINSTOCK. Regardless of from whence they come?

Mr. WELBORN. Yes; who may come and seek employment.

Commissioner WEINSTOCK. In other words, if I, as a miner, come from Pennsylvania, Michigan, or Illinois, and apply for work, and you have work to give me, you could employ me and I would be protected by the Federal troops?

Mr. WELBORN. We can do that and we are doing it every few days, if not every day in some place.

Commissioner WEINSTOCK. Well, now, if that would be the case with one applicant for employment, would it hold for 2 or 3 or 4 or for 10 applicants for employment?

Mr. WELBORN. Yes; it would.

Commissioner WEINSTOCK. Then, in what respect is the policy any different to-day under Federal protection than under State protection in Gov. Ammons's time?

Mr. WELBORN. It is not materially different, and I would like to say that the situation, so far as violence, so far as observation of law and order is concerned, is not materially different. There was no violence, Mr. Commissioner, between the time the militia actually took charge of the strike district and the time they were withdrawn.

Commissioner WEINSTOCK. Well, then, if the strikers seemingly, so far as we can judge, by publicity, do not look upon it as a grievance, on the part of the Federal troops to afford protection to any man who may apply to you, no matter where he may come from, what is the explanation of regarding it as a grievance when the same condition prevailed under the administration of Gov. Ammons with the State militia?

Mr. WELBORN. I have only an opinion on that. I will give it if you care for it. That is, that the leaders have advised their men not to offer resistance to the Federal troops, while the contrary advice was given to them in the case of the State troops, particularly after the State troops became or had practically all been removed from the district, the number remaining was small. When removed from the district, the number remaining was small.

Commissioner WEINSTOCK. You were present this morning when Mr. Brewster testified, Mr. Welborn?

Mr. WELBORN. Yes, sir; I was present through all of his testimony this morning.

Commissioner WEINSTOCK. You recall the question was put to the professor as to what he would have done had he been the commanding officer of the National Guard if Mother Jones had used incendiary language, how he would have dealt with her; his answer was that he would have turned her over to the civil authorities. Since Prof. Brewster testified information has come to me and to this commission, which I regard as coming from a reliable source, that the courts, the civil authorities and the courts in the strike district had broken down completely. Is that so or not, so far as you know?

Mr. WELBORN. I should not want to say that; no. I should not say that the courts had fallen down.

Commissioner WEINSTOCK. The courts were still in operation?

Mr. WELBORN. So far as I know, they were; yes.

Commissioner WEINSTOCK. And were prepared—all the machinery of the civil courts was operating as under normal conditions and could deal with these cases?

Mr. WELBORN. I don't recall that there was anything abnormal in the situation at the time—I mean so far as the courts in that district were concerned.

Commissioner WEINSTOCK. So far as you know they were in operation?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. And the judicial machinery was running smoothly?

Mr. WELBORN. Yes.

Commissioner WEINSTOCK. Then you differ from my informant on that point.

Mr. WELBORN. Yes; I would in the light of the information I have at the moment; yes.

Commissioner WEINSTOCK. Then Gen. Chase, for example, could have turned Mother Jones over to the civil authorities?

Mr. WELBORN. So far as I know he could; yes.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Mr. Welborn, I want to ask you a question.

Did you prepare that record of the last 25 accidents resulting in injuries to persons, or loss of life, that was asked for by Mr. Lennon?

Mr. WELBORN. I asked to have it prepared, and it was not prepared this morning; they were all devoting their time to copying these letters. And I did not go to the offices at noon; but you will get it.

Chairman WALSH. You will see that we get it, if you can, while Mr. Weitzel is on the stand. Was there something else?

Mr. WELBORN. I am not going to take up your time, gentlemen, but I just wish to refer to this correspondence, which is a letter to me from Charles O. Heydt, dated November 5, 1914, received November 9, 1914.

NOVEMBER 5, 1914.

DEAR MR. WELBORN: Mr. John D. Rockefeller, jr., has not seen the inclosed letter from Mr. Bart Quesnay, Alix, Ark., and I am simply sending it to you for such disposition as you think it may deserve.

Very truly,

CHARLES O. HEYDT.

Mr. J. F. WELBORN,
President Colorado Fuel & Iron Co., Denver, Colo.

And a reply from Welborn to Heydt:

NOVEMBER 17, 1914.

MY DEAR MR. HEYDT: Referring to your letter of the 5th instant, with which you inclosed one from Bart Quesnay and my reply of the 10th.

I now have a letter from the gentleman in answer to the one I wrote him. He makes no specific charges, but instead indulges in the recital of what he considers are suspicious circumstances. He may or may not be justified in his suspicions. However, we will make such investigation as we can, and if I learn anything of interest will advise you further.

Yours, very truly,

Mr. CHARLES O. HEYDT,
36 Broadway, New York, N. Y.

And a letter from Welborn to Bart Quesnay, dated November 10, 1914:

Mr. BART QUESNAY,
Alix, Ark.

DEAR SIR: Your letter of the 2d instant to Mr. John D. Rockefeller, jr., has been forwarded to me.

If such practices as you charge exist at any of our camps, we are most anxious to put a stop to them, but it is difficult to make a complete investigation based on what you say. We try to be sufficiently on the alert to detect all unfair practices that may be started at our mines before they have been well established, and earnestly solicit the assistance of the workmen having knowledge of such practices.

If you have any information more specific than that contained in your letter to Mr. Rockefeller, I shall be very glad to receive and treat it as confidential.

Yours, very truly,

And a letter from Welborn to Weitzel:

NOVEMBER 10, 1914.

Mr. E. H. WEITZEL,
Manager Fuel Department, Pueblo, Colo.

DEAR SIR: I inclose herewith letter from Mr. Bart Quesnay, written to Mr. Rockefeller and forwarded by his office to me.

The charges of grafting on the part of foremen are of the same vague character as many that we receive, yet if you think of any way of making an investigation of the practices he claims exists, I shall be glad if you will do so.

A slip is attached showing his earnings for 10 days in September and 22 days of October. I also inclose copy of my letter to him.

Yours, very truly,

And also a letter from Welborn to Weltzel dated November 17:

Personal.]

NOVEMBER 17, 1914.

Mr. E. H. WEITZEL,
Manager Fuel Department, Pueblo, Colo.

DEAR SIR: I inclose herewith a letter just received from Bart Quesnay in answer to the one I wrote him on the 10th instant.

His charges are of the same vague character as those contained in his original letter to Mr. Rockefeller, yet it is, of course, possible that his suspicions are justified, and I believe that it would be well to make some investigation.

Yours, very truly,

Two letters of Bart Quesnay are not with this file, but will follow later.

Mr. WELBORN. Mr. Brewster referred this morning to some inconsistencies in figures that I had used at different times to represent the number of men who left in response to the strike call, or the number who remained at work. I think that the error into which he fell was very natural. At times I have referred to our own employees, the employees of the Colorado Fuel & Iron Co., to the employees of the coal-mining industry as a whole. The 62 per cent which has been used as representing the number of men who remained at work when the strike was called applies to the men in the coal-mining industry of Colorado. That figure, or percentage, is obtained from the monthly figures or computations based on the monthly figures furnished by the State coal mine inspector.

He stated that before the congressional committee I had stated that about one-third of our men remained at work—that is, one-third of the men of the Colorado Fuel & Iron Co. I have not referred to my copy of those proceedings, but I think the reference of the third was to the coal diggers alone. I stated on Saturday in answer to a question from one of the commissioners that about 40 per cent of our men left our employ when the strike was called. I think the exact figures which Mr. Weltzel will furnish at your request, Mr. Chairman, will practically confirm that.

I was taken to task by Mr. Brewster on a number of points, but there is no part of my testimony that I care to change.

After I left the stand yesterday a report of the Delaware & Hudson Co. for the year 1913 came to my desk, and from it I want to quote a paragraph—two of them rather, this is a report of their board of directors to the stockholders—coal-mining department operators:

"During the year 1913 this company mined 7,170,553 gross tons of anthracite out of a total of 69,069,628 tons, including the product of washers, produced in the region. This is 731,998 gross tons more than in 1912, the production of that year having been reduced by the suspension of mining from April 1 to May 21, inclusive, due to the strike."

The next paragraph is as follows:

"In the report for last year reference was made to an agreement between the mine workers and the anthracite operators for a period of four years to end March 31, 1916. Section D of this agreement provides in detail a method for adjustment without strikes or lockouts of all differences, including provisions for arbitrating matters not otherwise settled. The company has at all times observed both the spirit and the letter of this agreement. It is regretted that notwithstanding this agreement the employees continued to strike first and then invoke the intervention of the machinery provided to prevent strikes rather than remain at work and have the differences adjusted in the orderly manner provided by the agreement. During 1913 there were 10 different strikes in one or more collieries, the total loss being equal to the closing of one colliery for 491 hours, or 54.5 working days of nine hours each."

The anthracite districts of Pennsylvania is frequently referred to as a place where ideal working conditions are in effect between the operators and the United Mine Workers; and it was for that reason that I called attention to this statement of the railroad.

I would like also to draw the comparison between the nine hours as representing a day's work in that State and eight hours in Colorado.

Commissioner O'CONNELL. Mr. Welborn, before you retire, a fellow commissioner and I have disagreed as to the result of your testimony on one question. Commissioner Weinstock asked you if the same conditions prevailed as to the employment of miners under the present régime of the United States soldiers

as prevailed during the administration of the State militia. During the time of the State militia you were privileged to go to Ohio or West Virginia, or to any other State, to employ miners to come into Colorado and be protected by the State militia in their employment.

Mr. WELBORN. We were privileged to go and employ those men. The State militia, as I understand it, were instructed to protect them as well as to observe the instructions under which they went into the field. And I ought to say that they were also instructed to check up the men we brought in from other States, to find out—that is, to determine absolutely that those men had been informed that there was a strike on in Colorado, and had been fully acquainted with the conditions under which they were brought here.

Commissioner O'CONNELL. Yes. Now, that was the condition prevailing when the State militia was in the field?

Mr. WELBORN. Yes; during the month of December.

Commissioner O'CONNELL. Yes; but now can you go into Ohio and Pennsylvania, or have the employment agencies in those States employ men for you, and come here under the now administration prevailing?

Mr. WELBORN. Well, I want to say absolutely that we are not going in there, because we have all the men we want. Yet a great many men are coming to Colorado from other States—

Commissioner O'CONNELL. Yes; well, now, I don't want to haggle over it, but I want to get straightened out on that. Under the orders of the President of the United States—

Mr. WELBORN. As I remember it, sir, the orders, or rather the understanding which we have from the Army officers is to the effect that men shall not be brought in as strike breakers. That anyone who may seek employment for the purpose of making his home or remaining here a while may be employed without interference.

Commissioner O'CONNELL. But you can not get out to the adjoining States and seek men to come in here and work for you through this strike?

Mr. WELBORN. Well, I should not say that, because that particular proposition, or one in that form, has not been presented to the Federal soldiers, for the reason, primarily, that we don't need the men.

Commissioner O'CONNELL. That may be true; but if you needed the men?

Mr. WELBORN. I am not sure but that if we needed the men we could obtain them under those conditions.

Commissioner O'CONNELL. That you would be privileged to go to any State outside of Colorado and employ men, setting forth to them that there was a strike on, and that the soldiers were in there guarding the strikers, and so on? That you would have the right to employ men and bring them into Colorado and work in the mines under the protection of United States soldiers?

Mr. WELBORN. If we employed them, as we did in the other case, for permanent residents here.

Commissioner O'CONNELL. And you maintain that there is absolutely no difference between the privilege of employment under the régime of the State militia, and that which now prevails among the United States soldiers?

Mr. WELBORN. Practically not; I am sure I am right on that.

Chairman WALSH. Commissioner Garretson wants to ask you one question.

Mr. WELBORN. Very good. I will answer that.

Commissioner GARRETSON. One phase of your testimony before that interested me, and I am curious to know how you reconcile it with a certain existing condition; that is, the fact that so much capital has been made out of the man Hayes and others of the mine officers, as being interlopers and intermeddlers. That has been at various stages of the game, and in the testimony. Now, if those men are the representatives of the mine workers, and are interlopers because they do not hold residence in the State of Colorado, what is your publicity agent who resides in Philadelphia, or your other adherent whose document you used in complimentary copies, who lives in East Aurora, N. Y.?

Mr. WELBORN. Our publicity agent, so called, is acting in very much the capacity as that of a stenographer. As I stated yesterday, I am as much responsible for the matter which he has prepared and had published as I am for the letter dictated to my stenographer and presented to me in daily course of business.

Commissioner GARRETSON. Let me put it in another form, then, where there is no stenographer about it. Now, what relation does John D Rockefeller, jr., a citizen of New York, bear to it as an interloper, or the board of directors

which dominates the property, located in New York.

Mr. WELBORN. They have their money, those gentlemen have their money invested in the industry.

Commissioner GARRETSON. Haven't the United Mine Workers of America got their membership located in the industry?

Mr. WELBORN. Not the membership in Colorado.

Commissioner GARRETSON. Oh! They had.

Mr. WELBORN. No.

Commissioner GARRETSON. Never had?

Mr. WELBORN. Not to a material extent.

Commissioner GARRETSON. Oh! Just a minority?

Mr. WELBORN. A very small minority.

Commissioner GARRETSON. Has a minority a right of representation?

Mr. WELBORN. Oh, yes, indeed.

Commissioner GARRETSON. Yes. Well, then, what is the difference between Hayes—I am taking him as the highest officer—

Mr. WELBORN (interrupting). Let me go a little further on that question of the minority. They have the right to organize; they have the right to leave our employ; they have not the right to force the majority to leave our employ against their will.

Commissioner GARRETSON. That does not touch the officers question at all. Have they the right to demand of their officers—not of you, but of their officers—that they shall come here and represent them, just as the stockholders of the C. F. & I. or the Victor-American have the right to demand that you and Mr. Osgood represent them?

Mr. WELBORN. If the officers will come here to represent the minority of workmen belonging to the union in a lawful way, no one will question their right.

Commissioner GARRETSON. Who really determines whether the legally elected representative of a coterie of men, by whatever name they may be called, is representing them? Is it the stockholders usually that will say that word, or others?

Mr. WELBORN. I don't think I understand the question, quite.

Commissioner GARRETSON. Won't the stockholders in the C. F. & I. say whether you are properly representing them according to their desire?

Mr. WELBORN. I am sure they will; yes.

Commissioner GARRETSON. Won't the individual members of the miners' organization, then, be most competent to say whether Mr. Hayes is representing them in accordance with their desire?

Mr. WELBORN. I don't question the right of Mr. Hayes to represent the men belonging to the union. I don't question the right of the small number who belong to the union, or a large number, if it happened to be a large number, to select Mr. Hayes as their representative. I question the right of Mr. Hayes and his small minority to attempt to force us to recognize their organization as such, and to force the large majority of our men to join it.

Commissioner GARRETSON. Well, then, if he comes here in response to the demand of one of the stockholders, where does the "interloper" come in?

Mr. WELBORN. Well, he is not an interloper if he behaves himself.

Commissioner GARRETSON. Oh! That is all.

Chairman WALSH. That is all.

Mr. WELBORN. That suggests one statement that I would like to put in there. The statement was made this morning in connection with the interloper idea—that Mr. Bowers was not a resident of Denver, but a resident of Binghamton, N. Y. The facts are that he has resided in Denver, and the reports show him to have been a resident of Denver since 1907. Mr. Bowers is chairman of our board of directors.

Commissioner GARRETSON. Was that made this morning?

Mr. WELBORN. Mr. Brewster made that statement.

Commissioner GARRETSON. Well, that is one thing that I overlooked.

Mr. WELBORN. That is not surprising.

Commissioner GARRETSON. I am obliged for the information.

Chairman WALSH. Mr. Weitzel is the next witness. You will please take the stand, Mr. Weitzel.

Prof. BREWSTER. Mr. Chairman, may I make a statement?

Chairman WALSH. Mr. Weitzel is our next witness. We can hear you later.

Prof. BREWSTER. I will not be in again.

Chairman WALSH. You are going away?

Prof. BREWSTER. Yes.

Chairman WALSH. Just wait a moment, Mr. Weitzel. Just take the stand, Mr. Brewster.

TESTIMONY OF PROF. JAMES H. BREWSTER—Recalled.

Prof. BREWSTER. Mr. Chairman, my name is James H. Brewster. Mr. Chairman, in reference to what I said about Mr. Bowers, Mr. Bowers stated his own residence at the beginning of his testimony as "Binghamton, N. Y."; you will find it if you look in the beginning of the testimony. I have his own word for it under oath. I may be able to prove what I said.

There is one other thing that I wish to say. If you will read Capt. Nickerson's testimony, you will see how the antideception act of Colorado is observed at the orders of the governor. Capt. Nickerson was sent to La Junta, and there were 50 strike breakers there. They were nearly all asleep, and he took the word of four employees of the coal operators that they had been informed of the strike. That is the only investigation that was testified to by the militia, and that was stated to be the way all the investigations were made. I call your attention specially, therefore, to the testimony of Capt. Nickerson on the method of the militia examining whether strike breakers brought in were aware of the strike.

Chairman WALSH. Thank you, Professor, for your testimony.

Mr. Weitzel will take the stand.

TESTIMONY OF MR. E. H. WEITZEL.

Chairman WALSH. Now, if possible, Mr. Weitzel, those matters that need no explanation, that have been testified to by Mr. Welborn, we would like to omit. We understand from you—

Mr. WEITZEL. Yes; don't have any hesitancy in raising your hand, and I will stop.

Chairman WALSH. We don't want to limit anyone, but at the same time, there is no use of cumulative testimony where it don't add anything. What is your name?

Mr. WEITZEL. E. H. Weitzel.

Chairman WALSH. Where do you live?

Mr. WEITZEL. Pueblo.

Chairman WALSH. How long have you lived in Pueblo?

Mr. WEITZEL. Since about June, 1908.

Chairman WALSH. How long have you lived in the State of Colorado?

Mr. WEITZEL. Since April, 1906.

Chairman WALSH. Where did you live before you came here?

Mr. WEITZEL. Immediately before I lived in New Mexico; Dawson.

Chairman WALSH. Beginning with what you might call the start of your business life as a young man, please sketch briefly down to the present time what positions you have occupied.

Mr. WEITZEL. I began work as chainman in the office of Ediburn & Cooper, engineers, in Pittsburgh, Pa., in February, 1888. I worked for them seven years. The first year or two I naturally seemed to take to the mining work, and they did a lot of it—they were mining engineers for a lot of companies around Pittsburgh, and I drifted into that branch of the work, and for several years did practically nothing else. In 1895 I went to work for the New York & Cleveland Gas Coal Co. That was a subsidiary of the Carnegie Steel Co., located near Pittsburgh, and I was there until 1901.

Chairman WALSH. In what positions?

Mr. WEITZEL. As engineer. Then I went to Bellaire, Ohio, for the Empire Coal Mining Co., in 1901, and was engineer, I think, about a year, and then was appointed general superintendent. I came to New Mexico in 1903, due to my wife's health. Her health had failed, and for a short time I worked as a miner in the mines in Dawson, N. Mex., and from miner to clerk, and engineer, and superintendent. I was at Dawson about three years, and came to Trinidad and opened an office there at general engineering work, and was city engineer there, I think, the next spring. There I got acquainted with the C. F. & I. people. I began as engineer of the fuel department August 1, 1907, held that position until March 15, 1908, and then was appointed manager.

Chairman WALSH. And what has your experience been with the United Mine Workers in other fields in which you have worked, as concisely as you can state it?

Mr. WEITZEL. When I was general superintendent for the Empire Coal Co., at Bellaire, Ohio, I had experience with the United Mine Workers.

Chairman WALSH. Any other place?

Mr. WEITZEL. No, sir; that was all.

Chairman WALSH. How long were you there?

Mr. WEITZEL. I was there in that position, I believe, about 18 months. I am not just certain now what time I was promoted there.

Chairman WALSH. Please state the advantages and disadvantages, if any, that you observed in that field in the dealings with the operators with the United Mine Workers.

Mr. WEITZEL. The disadvantages that I found were a lack of enforcing discipline. It is impossible, or was impossible—I got along, I want to say, with the miners. I got along with the officials. They were very fair-minded men when you could get them. But sometimes when you had trouble on your hands they had their troubles, and it would be five or six days before they could get around to your trouble. I had a number of cases there of difficulty, but the president of the district always stood by me when he got to the job.

I found that while working under nonunion, as we had there immediately before we signed up, in case an accident of any kind occurred there it was very easy to make investigation. After the union came in you couldn't learn anything. You could have a man hurt, or a wreck, or a mule killed or injured and you might just as well sit in the office as to try to find out anything. It was there I first learned that the oath of the United Mine Workers bound a man not to disclose or give any information to the employer—to a boss. And I have found since in some of the constitutions and by-laws they fine a man \$10 for giving information to anyone concerning a fellow member.

Chairman WALSH. Any information of any character, or just in cases of injury?

Mr. WEITZEL. Well, I believe I had better quote or read that.

Chairman WALSH. Yes; if you have it handy, I wish you would.

Commissioner WEINSTOCK. What are you about to read? Is that taken from the by-laws?

Mr. WEITZEL. Yes. It was put in evidence. I had the book and it was put in evidence before the congressional committee. What district is that?

Commissioner WEINSTOCK. This is district 15.

Mr. WEITZEL. Well, this is district No. 14.

Commissioner WEINSTOCK. Does each district have separate and distinct by-laws—constitution and by-laws—or are they uniform?

Mr. WEITZEL. I think they are different—their by-laws are different. I am not certain but what the constitution—I think the constitution probably is the same within certain bounds. But each district has at least their own by-laws.

Commissioner WEINSTOCK. What section is that?

Mr. WEITZEL. Section 8, article 10, revised constitution, adopted by the Fourteenth Annual Convention, district No. 14, U. M. W. of A., held at Pittsburg, Kans., March, 1912. Approved April, 1912:

"Any member or members found guilty of giving damaging evidence, either verbal or written, to the company's representatives in case of accidents without the consent of the State mine inspector, or his deputies or legally constituted authority, shall be expelled from the union and shall not become a member again for less than \$100, and the local expelling him shall notify the district secretary and he shall notify all locals in the district."

Section 13, article 15: "Any member of the U. M. W. of A. found guilty of giving evidence against members of our organization without being called upon by the pit committee or district board shall, for the first offense, be fined \$10 and for the second offense shall be expelled from the organization."

Commissioner WEINSTOCK. Can you submit that? [Witness hands pamphlet to Commissioner Weinstock.]

Chairman WALSH. Any other disadvantage that you found?

Mr. WEITZEL. I found that there were disadvantages to the men in some cases that came to my attention.

Chairman WALSH. What is that, Mr. Weitzel?

Mr. WEITZEL. Disadvantages to the men themselves.

Chairman WALSH. But first to the company. Any other disadvantages except lack of discipline?

Mr. WEITZEL. That was the principal one.

Chairman WALSH. Now, you say there were disadvantages to the men?

Mr. WEITZEL. Well, I don't know as I remember but one case there. I remember of a boy I had hooking cars at the bottom of the slope—coupling cars. He became 18 years of age and the pit committee called on me on his birthday and said he must receive a man's wages from that time. I said it was a boy's job and I would put another boy on, and it was their privilege to find him something else to do, and they took him away and tried to make a miner out of him. And first one man took him and then another, and no one was satisfied, and the boy was finally worked out of a job and thrown on the streets, and he was the only support of his mother and it caused a great hardship on the family.

Chairman WALSH. Any other disadvantages either to employers or employees?

Mr. WEITZEL. Well, there is a very good example to-day in eastern Ohio. As you probably know, the eastern part of the State is out on a strike and has been for eight months, which strike was brought about by the so-called mine-run law, passed through the Ohio Legislature through the efforts of Billy Green, national secretary. This law provides that all coal shall be paid for on mine-run basis, while eastern Ohio competes in lake trade with western Pennsylvania and West Virginia, who work on the lump-coal basis under union contract. It is putting the Ohio operator at a disadvantage—well, it is putting a straw on his back that he can't bear. They can not possibly operate at a profit, as I know from my experience there. This has thrown out, as first stated, about 40,000 men. I understand by newspaper advices that there are still 13,000 families that have been without work. It was brought about by Green's work in the legislature, and he has been greatly praised by the United Mine Workers for having that law passed, although it has worked very great injury to his own people.

Chairman WALSH. What advantages, if any, did you find from the operators' standpoint in working under the union agreement?

Mr. WEITZEL. I couldn't say that I found any.

Chairman WALSH. Are the mines of the Colorado district more dangerous, particularly in regard to falling roofs, than other districts in the United States?

Mr. WEITZEL. Yes.

Chairman WALSH. What is the reason of that?

Mr. WEITZEL. Well, as you know, all coal seams are formed level. They lie level as formed in the plastic state; and all our coal seams—practically all of them—I don't know of any place except right north of Denver here where they have not been disturbed by the upheaval of the Rocky Mountains, and the overlying strata have been badly broken. We have a great many what we call hidden slips, where there are fractures of the overlying strata that are not visible until the coal is mined; and it is from these that these breaks occur that often kill the miner. In the Eastern States, where the coal seams have not been subject to these upheavals, they do not have those difficulties.

But our greatest difference, to my mind, is the danger from dust in southern Colorado. Mr. Dalrymple went into that very briefly. Our coal in southern Colorado averages a little less than 1 per cent in moisture; that is, in Las Animas. As you come north in Huerfano County it gets up to 4 per cent; Fremont County, 6 and 8; and in the northern field about 16. Now, the coal in southern Colorado is very friable and breaks up into very fine dust. It is so light that it floats in the air. Our percentage of humidity—relative humidity—in the atmosphere is very low. Sometimes for months in the winter it will average about 15 per cent. As that dry air is taken into the mine as a means of ventilation it picks up the moisture; every available atom of moisture is picked up and carried out through the current of air, and some of our dust down there is so explosive that men have been burned in loading a car. That cloud of dust would be lit from their naked lamp. We have to resort to measures for safety in southern Colorado that are almost unheard of in the Eastern States on account of some of the difficulties.

Chairman WALSH. How does the cost of living for miners compare with the cost of living in other coal fields that you know of?

Mr. WEITZEL. Well, I should say it was higher in this country.

Chairman WALSH. Could you approximate the percentage of it?

Mr. WEITZEL. No; I could not, Mr. Walsh.

Chairman WALSH. What is approximately the average number of days per year for which a miner is paid in your mine?

Mr. WEITZEL. We have some mines that do not lose a day—the Fourth of July and Christmas, they are the two holidays—the mines that supply the

steel works, probably two or three of those. And the mines in the Trinidad district all work much more regularly than any other counties. The Huerfano County mines, especially the northern end of it, depend a great deal on domestic trade, as does the Canon City. I suppose I could look up the figures, but I should say about an average of 300 days for southern Colorado, and probably 220 or 230 in Huerfano County.

Chairman WALSH. How many months were the mines idle during the year 1912—any mines you have?

Mr. WEITZEL. I don't recall that we had any mines idle in 1912, except the Engleville mine for a couple of years.

Chairman WALSH. In 1911 how long were the mines idle?

Mr. WEITZEL. You mean continuously?

Chairman WALSH. No; altogether.

Mr. WEITZEL. I couldn't tell you. By looking up the records I could tell you how many days each mine was idle. It would hardly be right for me to make a guess.

Chairman WALSH. I wish you would just get that off for us. You don't need to give it on the witness stand, but submit it to our clerk, who will call for it.

Mr. WEITZEL. Well, sir, that is for 1911 and 1912?

Chairman WALSH. The length of time the mines were idle in 1910, 1911, and 1912, we will say.

Mr. WEITZEL. Yes, sir.

(The information called for was later submitted and is printed among the exhibits at the end of this subject as "Weitzel Exhibit No. 1.")

Chairman WALSH. What were the causes of the closing down of the mines—the principal causes at any time they were closed down?

Mr. WEITZEL. A lack of business.

Chairman WALSH. Nothing else?

Mr. WEITZEL. Nothing else.

Chairman WALSH. What employment agencies are used ordinarily to get miners? I don't mean in times of trouble.

Mr. WEITZEL. We have never used any since I have been with the company.

Chairman WALSH. What is your machinery for employing men?

Mr. WEITZEL. Men apply to the superintendent or mine foreman, but are always hired by the superintendent. They come to the mines.

Chairman WALSH. They go to the particular mine in which they work, do they?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Any means used for getting them there?

Mr. WEITZEL. Well, now there are times in Trinidad—we have a division superintendent's office in Trinidad, and sometimes men go there and apply to him, and he, knowing where a mine most likely wants men, might send them out to the mines.

Chairman WALSH. Any other place except Trinidad that that is done?

Mr. WEITZEL. Well, there are some men sent from my office in Pueblo that come in there and apply, but they are comparatively few.

Chairman WALSH. Did you ever indicate the nationalities of the men that you wished to employ?

Mr. WEITZEL. No, sir.

Chairman WALSH. You have heard it stated here that they are employed in different nationalities and located in the mine in such a way that one can not talk to the other; anything in that?

Mr. WEITZEL. I heard Mr. McLennan say that; but, Mr. Walsh, the men choose their own buddies. They work together, and the boss would not attempt to say to a man, "You must work with this fellow." If a man comes and asks for work very often he will say "Do you know anyone in the camp to work with or have you some one to work with you?" They always mate up themselves.

Chairman WALSH. What previous experience do you require a man being employed as a miner to have?

Mr. WEITZEL. Sometimes we do and sometimes we do not. When a man is hired who has not had previous experience it is a rule that he must find some one in the camp who is an experienced miner that will take him along, say, in the room with him. When we brought some men in in January of last year—in December of 1913 and January of 1914—when those men were distributed, I gave orders that one experienced miner for each 12 men went along and must be put in charge of those men until he was assured they were practical miners.

Chairman WALSH. Do you make any effort to get skilled men, Mr. Weitzel?

Mr. WEITZEL. We are always anxious to get skilled men; but since I have been with the company, up to the time of the strike, it has not been necessary for us to seek labor anywhere. It has all come to us, all we have needed.

Chairman WALSH. My attention has been called to your alleged testimony before the congressional committee in which you stated that the most intelligent miner is the hardest to handle, because he thinks he knows it all?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. And you are quoted as saying that the green miners are more careful often than English-speaking miners.

Mr. WEITZEL. Yes, sir.

Chairman WALSH. That you do not regard the ability to speak English as a factor in their employment?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Is that correct?

Mr. WEITZEL. Yes, sir. Let me give you an illustration of that: We purchased a mine down in Huerfano County. I think we took it over January 1, 1911. I had been through the mine twice at least during the preceding negotiations, and we were to take possession on January 1. I had noticed on my trips that the timbering was very poor; that in some of the rooms it was perhaps 30 or 40 feet back from the face. When we took possession that day, I gave orders to the superintendent and mine foreman that there should be no more coal loaded until all the rooms were securely timbered, and told the mine foreman to go in with his assistants and make a chalk mark where each timber ought to go and instruct the driver to give no man a car until all the timbers were set to correspond with the chalk marks. Along in the afternoon a bunch of men came out, all English speaking, who came to the office first and asked me if there was any danger of the C. F. & I. buying the Tloga mine. I told them I did not think there was, and I asked them why. They said if there is no likelihood of your buying that mine we want to work there. I says, "What is the trouble with you?" And the man who spoke his name was O'Neil, and he said, "I want you to understand I am a union man, and these boys with me, and we won't have any foreman come and direct us where we are to set our timbers. We have all been in the mines longer than your foreman has." That was one of my experiences to lead me to believe—

Chairman WALSH. Would the logic of that not be that it is preferable to hire men ignorant of the location of mines and non-English speaking?

Mr. WEITZEL. No; no; I would not say so. I found these members of the United Mine Workers the hardest to handle—the men who did not want to subject themselves to the discipline of the mines.

Chairman WALSH. Are checkweighmen employed at any of the mines of your company?

Mr. WEITZEL. Yes, sir. There is, I believe, only one mine at the present time employing checkweighmen.

Chairman WALSH. What is the reason that the others do not employ them?

Mr. WEITZEL. They do not want them.

Commissioner WEINSTOCK. Who does not want them?

Mr. WEITZEL. The miners do not want them.

Commissioner WEINSTOCK. What is a checkweighman?

Mr. WEITZEL. The man who checks the company's weighmaster to see that the men get proper credit for the weight of each car of coal. I have always favored checkweighmen and have urged our men time and again to put them on and tried to force the men at their meetings to have checkweighmen. I suppose you have seen the notice posted at our mines in regard to checkweighmen?

Chairman WALSH. No; please read it into the record.

Mr. WEITZEL. It is as follows [reading]:

PUEBLO, COLO., April 11, 1912.

All superintendents:

In order that our position on the checkweighing question may be fairly understood by all our employees, would ask that you post the following notice:

NOTICE.

The Colorado Fuel & Iron Co. has always been willing that its miners should have a checkweighman. This fact is well known to old employees, but for the

benefit of the new ones, this is notice that a checkweighman, selected by the miners from their fellow workmen, will be allowed at any of the company's mines.

THE COLORADO FUEL & IRON Co.,
E. H. WEITZEL, *Manager*.

Chairman WALSH. Why do you think a checkweighman is desirable?

Mr. WEITZEL. For the matter of satisfaction, it is desirable on the part of the company to have checkweighmen; it helps to keep the men satisfied as to their weights.

Chairman WALSH. Have you observed whether or not checkweighmen were employed at the mines generally where the United Mine Workers of America were installed?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Did they have checkweighmen?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Did they remain there steadily?

Mr. WEITZEL. Well, they are subject to a great deal of change, as you heard on the stand the other day, where they had had seven or eight checkweighmen in half that many months.

Chairman WALSH. In the places you have been, did they succeed in obtaining satisfactory ones?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. In the places where you have been did they change often?

Mr. WEITZEL. Not as often as was said.

Chairman WALSH. Now, Mr. Weitzel, is there any means under your present organization—have you been able to discover any means by which you can keep checkweighmen at work?

Mr. WEITZEL. Only at one mine; at the Starkville mine there has been one for 18 years steadily.

Chairman WALSH. What efforts have you made to keep checkweighmen at your mines?

Mr. WEITZEL. At any time that I have heard that men were dissatisfied with their weights I have always instructed the superintendent, "When you hear that complaint try to agitate the question of a checkweighman and have one put on." I remember a case at the Rouse mine a couple of years ago. The superintendent told me that some of the miners on an idle day had pushed a car on the tippie scale and weighed it and then took the coal out and put it in gunny sacks and hauled it to the store of one of their friends and weighed it; and I asked him to get the men together, if he knew them, and agitate the question of a checkweighman, and he did. At first they did not care to go outside of their own nationality—I think that is the Italians—but by my keeping after him he did finally get the men together, and they elected a checkweighman; I think they elected a checkweighman, but he either did not go to work or worked one day and said he didn't want to undertake the job at \$5 a day.

Chairman WALSH. Have you ever suggested to the men that they organize a committee to look after that particular subject in the mines?

Mr. WEITZEL. I have not.

Chairman WALSH. Would you allow them to meet in the halls away from the mines and organize a committee for that purpose?

Mr. WEITZEL. Yes, sir; and would be glad to go myself, if I thought it would result in the election of a checkweighman.

Chairman WALSH. Please state the record of your company, as briefly as you can, with regard to the payment of the miners in scrip.

Mr. WEITZEL. The use of scrip in paying miners was entirely for the convenience of the miners and was only used to tide him over from one pay day to another. If he did not want to run an account at the store, or did not have credit, he could go to the mine office and get an order that was good for either goods or scrip at the store. I have always been against the system because I think it teaches the men improvidence, that he can draw his wages every day and spend them; I think they ought to be encouraged to wait until pay day; I think it is a poor system.

Chairman WALSH. Is the use of scrip discontinued now with your company?

Mr. WEITZEL. Yes, sir; either at the time or just about the time we put in two weeks pay it was abandoned; there was less demand for it when they were paid every two weeks.

Chairman WALSH. Please describe the methods used by your company during the strike to maintain order in the coal camps.

Mr. WEITZEL. At our Morley mine, Starkville, Sopris, Primero, Berwind-Tabasco is one, and Rouse; we had one marshal at each of those mines; the others were without marshals.

Chairman WALSH. Within the past three years have any of your mine superintendents, foremen, or other officers acted as peace officers?

Mr. WEITZEL. Not to my knowledge; I never knew of any of our superintendents or foremen having a deputy sheriff's commission. I won't say that they have not, but it has not come to my knowledge.

Chairman WALSH. In these camps that you have, what tax, if any, is paid by the miners for the maintenance of the local government?

Mr. WEITZEL. There is no tax that I know of.

Chairman WALSH. No personal property tax?

Mr. WEITZEL. I think not; that would be a matter with the county assessor. There might be and I not know it.

Chairman WALSH. Do you object to the presence in the camp of agitators?

Mr. WEITZEL. Yes.

Chairman WALSH. What means did you take to ascertain who were agitators?

Mr. WEITZEL. The reports of our men to our superintendents that a certain man was in camp and agitating and trying to make trouble.

Chairman WALSH. What would you do about him?

Mr. WEITZEL. Ask him to leave.

Chairman WALSH. Did you maintain any detective system or spy system for the purpose of finding out whether there were agitators in a camp?

Mr. WEITZEL. Prior to the strike?

Chairman WALSH. Yes.

Mr. WEITZEL. No, we did not have a single man in that capacity.

Chairman WALSH. Say for three years prior to the strike did you or did you not have a detective in your employ or detectives that worked as miners?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. To what extent did that obtain prior to the strike?

Mr. WEITZEL. I only recall one instance where I ever hired a man or had one put in in a mine to work as a miner, and it came about in this way: There had rumors come to my ears that the mine foreman in that mine was charging the men for places, either rental or selling them to them, and I had this man put in to test the fact out, and kept him for three months, and he talked with the men and reported that there was nothing in it, and I suggested that he try out the mine foreman himself, and he did; and he was walked out of the mine and had to leave the camp without securing his clothes, and that is the only instance that I hired a man to work in a mine with the miners to secure information.

Chairman WALSH. Who fixes the working conditions and adjusts grievances in your mine?

Mr. WEITZEL. The superintendent takes up matters that are complained about to him, on the part of the miners against mine foremen; sometimes they pass the superintendent and come to the division superintendents—district superintendent—and sometimes they come to me. Sometimes they come to my assistant and sometimes they come to Mr. Welborn; they write to him.

Chairman WALSH. How many did you have in the year prior to the strike that come to you?

Mr. WEITZEL. I don't know that I could tell you.

Chairman WALSH. Could you approximate it?

Mr. WEITZEL. Probably 12 or 15.

Chairman WALSH. One or more a month?

Mr. WEITZEL. Yes.

Chairman WALSH. In any case, did you reverse the action of the mine superintendent that discharged the men, can you recall?

Mr. WEITZEL. Yes; I can remember of a case of discharge. I don't remember that I entirely stood by the superintendent in any particular case. I think I nearly always made some little modification of his verdict.

Chairman WALSH. Do you have a sociological department connected with your company now?

Mr. WEITZEL. Yes.

Chairman WALSH. Who is in charge of it?

Mr. WEITZEL. The Rev. E. S. Gaddis.

Chairman WALSH. Has he any assistants?

Mr. WEITZEL. Yes sir; a couple of them; an evangelist—one a colored man under him and a white man, a preacher that assists him.

Chairman WALSH. In these closed camps I believe you have a circulating library, and you also send in newspapers and magazines?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. What magazines do you send in there?

Mr. WEITZEL. I could not name them now. I passed on them, I think, at the time they were sent in.

Chairman WALSH. Who passes on them?

Mr. WEITZEL. I pass on them, I said. I think Puck and Judge, Life, and the Saturday Evening Post, and the daily paper in the city, but I don't remember.

Chairman WALSH. Does the Express go in?

Mr. WEITZEL. The Denver Express?

Chairman WALSH. Yes.

Mr. WEITZEL. Not if I noticed it on the list. Did you see a Denver Express in the clubhouse on Sunday at Primero?

Chairman WALSH. No. Do you allow Harpers Weekly to go in?

Mr. WEITZEL. I don't know that we send it in; we have no objection to it.

Chairman WALSH. Do you allow the Masses to go in?

Mr. WEITZEL. I don't know it.

Chairman WALSH. Pearson's Magazine?

Mr. WEITZEL. It would be allowed.

Chairman WALSH. Do you send in any papers except those you have mentioned?

Mr. WEITZEL. There may be, but I can not remember the list of papers.

Chairman WALSH. Has Mr. Gaddis any authority to send in any papers that are not passed on by you?

Mr. WEITZEL. No; he would not, because I would pass on the question of anything that requires the payment of money.

Chairman WALSH. Who raises the question with regard to the papers that are sent in? Have you ever had any request from the men working in the mines for any particular paper?

Mr. WEITZEL. I have not; no, sir.

Chairman WALSH. Are any labor papers sent in there?

Mr. WEITZEL. Not that I know of.

Chairman WALSH. Please describe briefly the cost accounting system in use in your organization.

Mr. WEITZEL. It is divided into 8 or 10 different divisions. The first is the cost of mining; the second, I believe, is the cost of narrow work, and the third is the cost of machine work. The fourth is hauling, which includes that item, of course. The fifth item is the cost of dumping and loading. The sixth I have forgotten—well, there are steam costs and power costs, and timber and care of mine bottom, and so forth.

Chairman WALSH. Are these cost sheets sent from one mine to another by the superintendent in an effort to standardize the cost of the mines?

Mr. WEITZEL. Absolutely not. I have never indicated to any superintendent the cost of mining at another mine, except the one he was working at.

Chairman WALSH. Is the Hastings your mine?

Mr. WEITZEL. No, sir.

Chairman WALSH. That mine belongs to what company?

Mr. WEITZEL. The Victor-American Fuel Co.

Chairman WALSH. The Primero is your mine?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Has Primero one election precinct—the town of Primero?

Mr. WEITZEL. I don't just get what you mean by one election precinct.

CHAIRMAN WALSH. Has the town of Primero one election precinct itself?

Mr. WEITZEL. I think it has; yes, sir.

Chairman WALSH. Is it in an inclosure of your company, inclosed in a barbed-wire fence?

Mr. WEITZEL. There is a fence around the camp, but I do not think it takes in all of the election district; I am sure it does not.

Chairman WALSH. Is there any suggestions made to employees in a camp like Primero as to how they shall vote?

Mr. WEITZEL. Prior to the election that just occurred—it was the policy ever since I have been with the company to not only ask our men, but to instruct the superintendents and bosses that they must not take any part in election.

Chairman WALSH. Is it done? Is there anyone with the company that makes speeches, for instance, in the mining camp or town?

Mr. WEITZEL. Not to my knowledge.

Chairman WALSH. Did you notice the return from that mining camp just mentioned, Primero?

Mr. WEITZEL. No; I did not; I have not looked at the returns by precincts, except at my own in Pueblo, I believe, at any place in the State. I know in a general way the result—what the result was from the returns the night of election.

Chairman WALSH. You—to your knowledge was any suggestion made to the employees of your company as to the desires of the company in regard to the passage or defeat of amendment No. 11, which had to do with the assumption of risk of injury and death by the men in the State?

Mr. WEITZEL. It was not mentioned, to my knowledge, to any of our employees.

Chairman WALSH. Is a man of any political belief permitted to speak in the halls of these camps?

Mr. WEITZEL. So far as I know they are. I have not been at the camps during the campaigns.

Chairman WALSH. Democrats, Republicans, Progressives, or Socialists?

Mr. WEITZEL. They have had a number of political meetings in the schoolhouses.

Chairman WALSH. And the schoolhouses are controlled by whom?

Mr. WEITZEL. The schoolhouses are controlled by the school directors.

Chairman WALSH. Are the school directors usually men employed by you?

Mr. WEITZEL. In a closed camp; yes, sir.

Chairman WALSH. I notice that at Primero the school directors were all employees of yours, and one was the man that kept the saloon there; how are the school directors appointed?

Mr. WEITZEL. They are elected.

Chairman WALSH. How are they elected in the school districts?

Mr. WEITZEL. I do not know.

Chairman WALSH. You are not familiar with it?

Mr. WEITZEL. No.

Chairman WALSH. And these school directors have the absolute say so as to who shall use the school building?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Now, what—do you have a saloon in each one of your camps in these times?

Mr. WEITZEL. No, sir.

Chairman WALSH. In what camps have you saloons?

Mr. WEITZEL. There were saloons in a few buildings on company property, only in four camps, I believe, before the strike, before the saloons were closed.

Chairman WALSH. Where?

Mr. WEITZEL. In Morley, Terclo, Primero, and I believe Spring Gulch; the other camps were either so located that the men could get to town or get to a saloon on some other property without traveling any great distance. Personally, I am against the saloon.

Chairman WALSH. Does your company charge a flat rental for their saloon buildings?

Mr. WEITZEL. The arrangements for saloon buildings were made before I came with the company, and I never made an arrangement with a saloon keeper for the privilege, and I have never seen the books or charges.

Chairman WALSH. Who makes them?

Mr. WEITZEL. They were made prior to my coming with the company, and there are only three places where there are saloons in a position that the saloon keeper would be expected to pay the company anything for the privilege.

Chairman WALSH. Who collects from the saloon keeper?

Mr. WEITZEL. The auditor.

Chairman WALSH. Take the case of Primero. You are familiar with that building?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. What would you say is the rental value of that building? You say it is a frame building.

Mr. WEITZEL. You say that I am familiar with it; I think I was in it once. I do not remember the size of it; but just looking at it from the boiler house I should say that building cost nine or ten thousand dollars.

Chairman WALSH. It cost nine or ten thousand dollars?

Mr. WEITZEL. Yes.

Chairman WALSH. It is a frame building?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. To what extent does the company interest itself in private schools and churches in these closed camps?

Mr. WEITZEL. We are trying to do everything we can. We are trying to have the best schools we can have in the camps and trying to have them equal, and I think they are almost equal to the public schools in cities, except there are more grades in one room.

Chairman WALSH. Do the school directors select the teachers?

Mr. WEITZEL. They do; but we have a man—and have for some time—to ask the school directors before they employ them to consult with the man at the head of the sociological department, because he was better acquainted with the teachers and better able to assist them in getting men who were competent teachers.

Chairman WALSH. Who have you asked to do that?

Mr. WEITZEL. The superintendents. I believe I have a general letter that I wrote them on the subject that would interest you.

Chairman WALSH. Read that letter, please.

Mr. WEITZEL. It is as follows [reading]:

PUEBLO, COLO., July 2, 1912.

All superintendents:

Our company is very anxious that the camp schools shall be as efficient as possible to make them, and while we appreciate the efforts of our superintendents and other employees who have been serving as directors, we believe that the efficiency can still further be increased by some outside assistance.

Mr. Walter Morritt has been appointed supervisor of camp schools, and we feel that with his experience and large acquaintance with teaching fraternity he can be especially helpful in the selection of teachers, and it is requested that where teachers have not already been elected for the coming term the names of applicants be sent to Mr. Morritt at once; that in future years the selection of teachers be taken up with Mr. Morritt before an election is held.

Knowing the interest you all have in bringing our schools up to the highest possible standard, I feel certain you will cooperate with Mr. Morritt.

E. H. WEITZEL, *Manager.*

Chairman WALSH. That is a direct request from you?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. You seem to recognize in that that the school directors in these camps are employees of your company?

Mr. WEITZEL. Yes, sir; that is directed to the places where they are employees of our company.

Chairman WALSH. Does your company pay any attention to the character of the men that are employed—sobriety, intelligence, morality, and such things?

Mr. WEITZEL. To the men that are employed?

Chairman WALSH. That are elected as school directors?

Mr. WEITZEL. No, sir.

Chairman WALSH. Please name the five largest camps in the State and the number of men employed in each.

Mr. WEITZEL. At the present time?

Chairman WALSH. Yes, sir.

Mr. WEITZEL. The record I will give you will be for October, 1914; I have not figures for November. Morley is—

Chairman WALSH. I believe I would prefer, if you have the time to go back, to give a typical month when you mined the most coal.

Mr. WEITZEL. Well, September, 1913, and October, 1914—I have both of them. Those are the only two I have available.

Chairman WALSH. September before the strike?

Mr. WEITZEL. September before the strike is as follows: Sopris—you want the three largest?

Chairman WALSH. Yes.

Mr. WEITZEL. Sopris, September, had 429 employees; Frederic, 410; Primero, 372. I believe those are the three largest.

Chairman WALSH. Has there ever been a political club in any of those camps?

Mr. WEITZEL. A political club?

Chairman WALSH. Yes; a political club—a young men's Republican club or a Jeffersonian club?

Mr. WEITZEL. I never heard of it.

Chairman WALSH. Is there any patriotic society that has been organized in those camps?

Mr. WEITZEL. There are a number of societies, benevolent societies, but I do not know of a patriotic society.

Chairman WALSH. Are there any social fraternities, church fraternities, or anything of that kind? Or young people's societies, such as the Christian Endeavor?

Mr. WEITZEL. We have church societies in all camps.

Chairman WALSH. Who selects the ministers for the churches?

Mr. WEITZEL. Mr. Morrill, I believe; Mr. Gaddis was selected by his predecessor, Mr. Morrill, or was recommended by him. The Rev. E. S. Gaddis, who is now in charge of the sociological department, selects the men working under his direction.

Chairman WALSH. So the ministers in these closed camps are selected by the company?

Mr. WEITZEL. That is true.

Chairman WALSH. Who has supervision over them? Who pays their salaries? The company, I suppose, pays their salary, but who passes on the amount of the salary of the minister?

Mr. WEITZEL. I could not say as to that. Mr. Morrill was on the job when I came here, and Rev. E. S. Gaddis was put on under his direction. I do not know his salary.

Chairman WALSH. Would the members of these camps be permitted to form political clubs if they desired?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Would they be permitted to form social organizations?

Mr. WEITZEL. There would be nothing to hinder them.

Chairman WALSH. Or organizations of the Industrial Workers of the World?

Mr. WEITZEL. We try to discourage them against organizing the Industrial Workers of the World.

Chairman WALSH. Do you believe, Mr. Weitzel, that the peace which exists in the camps to-day, brought about by the efforts that have been applied, would be permanent industrial peace? I am asking you this as a citizen outside of your connection with the company—a permanent industrial peace?

Mr. WEITZEL. That depends entirely upon the action taken by the labor organizers and agitators in the future. If they do not resort to means such as they have I think the conditions will be peaceful. The conditions were very peaceful in the early part of 1913, and until a month or so before the strike.

Chairman WALSH. Do you believe they would remain peaceful, for instance, if the United Mine Workers of the World employed clever talkers and influential people, and they were permitted freely to go into these camps and argue to these people the alleged benefits of this organization?

Mr. WEITZEL. You speak of the "United Mine Workers of the World?"

Chairman WALSH. I am referring now to the United Mine Workers of America; the time before I was referring to the Industrial Workers of the World.

Mr. WEITZEL. If they were allowed to go in and agitate them?

Chairman WALSH. To set forth what they claim to be the advantages of their organization freely and argue them?

Mr. WEITZEL. If they were disposed to stir up trouble they could. I do not believe there are any persons in the world that can not be excited; you and I can as well as coal miners.

Chairman WALSH. If the United Mine Workers of America employed clever talkers and used respectful language—if they were clever talkers and used peaceable arguments and they kept at it and were permitted to do that, do you think peace would continue to exist there?

Mr. WEITZEL. Yes, sir; if they talked peaceably; if they talked peaceably and advised the men to be peaceable, that would be possible.

Chairman WALSH. And also advised them to join the United Mine Workers of America?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. And would you have any objection, then, to them doing that, beginning now, and sending men in with that respectful and decent manner of speech?

Mr. WEITZEL. If it were not for the knowledge I have that there would be danger at a future time of their making trouble with these same men I could not see any objection.

Chairman WALSH. At the present time you do see an objection to them sending men in there, no matter how respectful the men may be to society or how decent they may be in speech?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Now, there were certain documents that Mr. Welborn suggested you would bring in—I believe all the orders issued by your company during a certain interval?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Regarding the observation of the laws of the State?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Would you please describe them much in the same way that Mr. Welborn described those letters, except to give the gist of it, for instance, the date and what it was, with reference to what law. We will go over those in our digest.

Mr. WEITZEL. A great many of these did not refer to any laws. You understand we had a great many rules in force as to safety and matters of that kind prior to the passage of the 1913 law, that are contained in these circulars, that were not crystallized into the law until the law was passed.

Chairman WALSH. Could you assist me in shortening this inquiry by giving me the gist of each one?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. I wish you would.

Mr. WEITZEL. Well, on April 8, 1908, to all superintendents, calling attention to the mine explosion at Hanna, Wyo., and cautioning superintendents to be very careful in the selection of mine officials and urging the enforcement of rules.

August 12, 1908, asking superintendents to assist the local doctors in starting first aid to the injured work.

August 29, 1908, circular—this does not refer to any law; it is on the temperance question, and Sunday schools, and such things.

Chairman WALSH. I will ask you from what date to what date they run?

Mr. WEITZEL. They run from April 8, 1908, to November 30, 1914.

Chairman WALSH. Will you kindly introduce them in evidence?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Those are the orders, as I understand, that have been issued from time to time by your company to employees of the company regarding observation of the laws of the State, and other matters?

Mr. WEITZEL. Yes, sir.

(The orders presented are as follows:)

Circular No. 401.]

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., April 8, 1908.

To mine superintendents:

The recent mine disaster at Hanna, Wyo., should awaken all who have mines under their care to a renewed sense of their responsibility.

A mine superintendent's responsibility does not cease with the care of the property, the output, and the cost. He is also the guardian of the lives and safety of the men who work in the mines. These men have the right to presume that the master has at all times assured himself of the safety of the working place.

To this end you can not be too careful in the selection of fire bosses and men under you, nor too rigid in enforcing the rules laid down for their guidance. No tie of personal friendship or of family connection should be strong enough to induce you to keep in one of these responsible positions a man whom you are not absolutely certain is at all times capable and energetic in the discharge of his duties.

With a view of bettering this branch of the service and increasing its efficiency, I would request specially that fire bosses be allowed to accompany our mine inspector on all his visits, and that his recommendations be promptly carried out, and also that when you are in need of a fire boss that you communicate with the inspector and ascertain whether he has a man whom he can recommend for the place.

This plan, I think, would result in getting better men for fire bosses, from the fact that the inspector in his travels over the State has many opportunities of becoming acquainted with men who have the qualifications for fire boss.

Will say, in conclusion, that any suggestion you can make at any time, looking to the improvement of this branch of the service, will be kindly received and considered at this office.

E. H. WEITZEL, *Manager.*

Circular No. 422.]

THE COLORADO FUEL & IRON CO.
FUEL DEPARTMENT,
Pueblo, Colo., August 12, 1908.

All superintendents:

Believing that there are many cases of injury where, if intelligent methods were used by those first arriving, the suffering of the injured person could be very much alleviated, and in some cases, especially that of electric shock, death prevented, I have requested Dr. Corwin, chief surgeon, to have the camp physicians give lectures on the subject of first aid to the injured to those at the mines to whom it would most likely be beneficial.

I would like that each superintendent arrange with the local physician for these lectures, and would suggest that he have in attendance at least mine foremen, fire bosses, track layers, electricians, motormen, hoisting engineers, and boss drivers.

E. H. WEITZEL, *Manager.*

Circular No. 426.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., August 29, 1908.

To all superintendents:

For the purpose of collecting statistics in reference to the business and habits of employees, superintendents will please send in to this office answers to the following questions promptly. Where saloons are in company buildings or on company land, and in buildings owned by others, please explain fully:

1. How many saloons are there at your plant?
2. Give names of proprietors.
3. How many of them are on land or in buildings owned by the company?
4. At what time do they close up?
5. Do they keep open on Sunday?
6. Are there any wheels or gambling games run in the saloon?
7. Are your company men in the habit of visiting saloons at noon hour?
8. Do your miners lose much time from work due to drinking?
9. Are any of your foremen, track layers, engineers, or firemen teetotalers?
10. If so, which of them?
11. Do any of them drink to excess?
12. If so, which of them?
13. Do you consider a saloon at your mine a necessity?
14. Give reasons.

E. H. WEITZEL, *Manager.*

Circular No. 433.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., October 1, 1908.

All superintendents:

You have, no doubt, like myself, been accustomed since childhood to listen at intervals to the traveling temperance lecturer, who tried to point out to you the evils of using alcoholic stimulants. Many of these lectures were merely a tirade against the saloon keeper and brewer, with little or no argument based on scientific experiment. The tendency of the present day, however, is to subject all questions affecting the welfare of the human race to scientific investigation, and we are now able to get reliable information on the drink question, based entirely on scientific experiment.

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Many valuable articles have appeared in recent issues of the various periodicals, and no wide-awake, thoughtful man can afford to neglect the study of this important subject, especially men who, like you, are anxious to get the maximum output not only from yourselves, but your subordinates.

The most recent article of this character and one of the best is that by Henry Smith Williams, in McClure's Magazine for October. Knowing that many of you are so situated that you can not conveniently reach a bookstore, I am having a copy of this magazine sent you to-day. Please do me the favor to read the article carefully and pass it on to some of your foremen.

Until a few months ago I thought I was one of the exceptions who could drink moderately without any ill effects. You may think this is true in your case. Rest assured it is not.

E. H. WEITZEL, Manager.

Circular No. 447.

**THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., December 15, 1908.**

All superintendents:

Please arrange at once to protect all machinery near which it is necessary for employees to pass, so there will be no danger of their being caught and injured.

Large parts of machinery, such as rope drives, large belt wheels, large gears, etc., should be protected by railing made of lumber or pipe of suitable size, placed about 3 feet from the floor.

Small gears should be protected by sheet-iron guards the full width of face of gears and so shaped as to be not over 1 inch from gear.

Please report when this has been done.

E. H. WEITZEL, Manager.

Circular No. 471.

**THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., May 27, 1909.**

All superintendents:

We are sending you to-day a few copies of a pamphlet printed by the sociological department, giving "Instructions in First Aid to Those Injured by Electricity," for distribution to your mine bosses, electricians, and others interested or who might be of assistance in case of accident.

Please ask your men to study these instructions carefully, as a knowledge of what to do and how to do it may be the means of saving a human life.

If you can use more copies of this pamphlet, would be glad to supply them.

E. H. WEITZEL, Manager.

Circular No. 505.

**THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., January 27, 1910.**

All superintendents:

Felix Mondragon, Mexican, height 5 feet 5 inches, weight 130 pounds, age 45, reddish hair and mustache, and his son, A. Mondragon, aged 16, and frail build, have been discharged for firing their own shots at Primero. Shot firer refused to fire these shots account unsafe, and they went into the mine and fired them themselves.

E. H. WEITZEL, Manager.

Circular No. 511.

**THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., February 10, 1910.**

All superintendents:

Frank Savoran, Tony Dolobloh, and Lawrence Snyder have been arrested, prosecuted in district court, fined, and discharged from Crested Butte mine for carrying matches into the mine.

E. H. WEITZEL, Manager.

Circular No. 544. Reissue of Circular No. 442.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., September 23, 1910.

All superintendents:

I have observed at our mines that the wiring is poorly taken care of, and in order to insure safety from fires caused by electric wires you will please see that the following instructions are carried out:

In the future you will have all wire lines inspected at least once a week and necessary repairs made.

Sufficient insulators of a type suited to the pressure on line will be used to keep line in place, depending on nature of entry and liability to be torn down. Glass or porcelain petticoat insulators only will be used on lines carrying 500 volts. No lines carrying more than 250 volts will be run on porcelain knobs. No porcelain knobs smaller than No. 3½ will be used on lighting or bell lines. Porcelain knobs or cleats will not be allowed on outside or exposed wiring for any voltage.

Switches and fuses will be placed on all branch circuits.

All joints must be both mechanically and electrically perfect without solder. The joint must then be soldered and taped equal to the thickness of the insulation of the wire.

At all points where wires pass through stoppings they must be properly insulated with glass or porcelain tubes to insure freedom from grounds.

Wires should not be run in places which are not easily accessible for weekly inspection. No wires should be allowed to remain under falls of rock or coal, and every precaution will be taken to keep all wires in such condition that they will be safe both to persons and from fire risk.

After you have put your wiring in good shape you will please so advise me by letter, and report each week in future in your weekly letter the condition of your wiring.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
October 12, 1910.

DEAR SIR: If your mine is not so equipped that it can be thoroughly sprinkled to wet down the dust, please make requisition at once for pipe, fittings, and all supplies necessary to equip it for complete and thorough sprinkling.

This matter is important and I would like you to give it your immediate personal attention. Please advise when done.

Yours, truly,

E. H. WEITZEL, *Manager.*

Copy sent to Morley, Sopris, Tercio, Primero, Frederic, Berwind, Tabasco, Gulch, Marion, Crested Butte, Rouse, Walsen, Robinson, Pictou.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
October 12, 1910.

DEAR SIR: March 18, 1910, State Mine Inspector John D. Jones, issued the following rules to govern bituminous coal mines:

"1. Do not allow miners to take a larger quantity of powder into the mine than is needed for their use during one shift.

"2. Employ shot firers, who shall charge and fire all shots after all other employees have left mine.

"3. Do not allow the miners to carry or handle any blasting caps inside the mine. The caps should be in the exclusive charge of the shot firers, and all caps to be removed from the mine as soon as shot firing is completed and before the other employees reenter the mine.

"4. Keep all dry roads in the mine in a thoroughly humid condition, so as to keep down the dust in nongaseous as well as gaseous mines."

At that time we were advised by practically all plants that above instructions were being carried out. Please advise promptly whether any exceptions

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have since been made at your mine. If so, advise fully in what respect they are not being carried out at the present time and the reason.

Yours, truly,

E. H. WEITZEL, *Manager.*

Copy sent to Morley, Starkville, Engle, Sopris, Tercio, Primero, Frederic, Berwind, Tabasco, Rouse, Hezron, Ideal, Cameron, Walsen, Robinson, Pictou, Gulch, Marion, Crested Butte.

Circular No. 549.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., October 19, 1910.

All superintendents:

Effective at once, when fire damp is found in your mines in places where it has not been previously discovered, or in unusual quantities in any working place or gobs, please notify manager immediately, sending copy of message to division superintendent.

Please acknowledge receipt of this circular.

E. H. WEITZEL, *Manager.*

Circular No. 550.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., October 25, 1910.

All mine superintendents:

It is desired that all mine-sprinkling systems be as nearly uniform as possible.

When ordering or installing any sprinkling apparatus please follow instructions shown in blue print X-286, which is inclosed herewith. If not thoroughly understood, we will gladly explain further.

Please acknowledge receipt of this circular.

E. H. WEITZEL, *Manager.*

Circular No. 553.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., November 25, 1910.

All superintendents:

At our meeting of superintendents and pit bosses at Trinidad, November 19, it was the consensus of opinion that our difficulty in keeping good fire bosses at the different mines was due to the fact that we did not pay them sufficient wages.

To remedy this it has been decided to increase the pay of the fire bosses to \$110 per month instead of the daily wage of \$3.25 per shift. This is done with the hope that you will be able to secure first-class men for fire bosses who will be of material assistance to the pit bosses.

These rates will become effective December 1, 1910.

E. H. WEITZEL, *Manager.*

Circular letter.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., November 25, 1910.

All superintendents:

The mining commission recently appointed by the governor has asked us to furnish them with the information with regard to our system of mining and shot firing.

Below you will find a list of questions to answer. Please answer them fully on this sheet and return to this office promptly.

1. Kind of powder used?
2. System of shot firing?
 - A. By miner?
 - B. By shot firer?
 - C. Battery?
 - D. When fired?

3. Method of mining?
 - A. Pick work?
 - B. Machine work?
 - C. Shooting off the solid?
4. Handling of powder and primers?
 - A. Charging of shot?
5. Is electric power used for haulage or pumping or fan purposes?

E. H. WEITZEL, *Manager.*

Circular No. 554.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., December 9, 1910.

All superintendents:

In the past few months there have been a number of things reported to me by the mine inspector in the way of improvements, which were important but which the superintendents have apparently not wished to have done without orders from this office.

It will greatly facilitate matters and lessen the work of my office if you will promptly comply with these requests when made by the mine inspector. If the matter requested is something in which you can not agree with the mine inspector's views, I would ask that you take the matter up with the division superintendent or myself, or both, at once, and we will decide whether the work is to be done or not, but for all minor improvements that are necessary and can be done for the safety of the men and mine, I would greatly appreciate prompt action on your part.

Would also request that you take up with mine inspector before making any changes in ventilation of your mine.

E. H. WEITZEL, *Manager.*

Circular No. 559.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., January 9, 1911.

All superintendents:

We are inclosing blue print showing the details of a sprinkling car we have built and which we have found successfully sprinkles the side and roofs.

If you have need for one or more of these cars, please advise immediately, as we wish to put order in for all that are needed at one time and in this way facilitate their manufacture at the works.

E. H. WEITZEL, *Manager.*

Circular No. 564.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., January 24, 1911.

All superintendents:

Replies to our circular of December 29, 1910, inquiring as to the system of checking men in and out of the mine reveal the fact that we have a number of different systems in use.

We think it advisable to have uniform regulations in regard to this matter, and believe that the best system is to have employees take the brass check off the board as they enter the mine and hang it on as they come out. We think it advisable to keep miners on a separate part of the board from shift men, and would request that all superintendents immediately install such a system of checking men in and out.

Please advise this office when the system is put into use.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
February 27, 1911.

All superintendents:

The following shot firers have been discharged from Morley mine for using coal dust to make dummies for tamping:

Wenzel Redlick, an Austrian, about 33 years old, weighs about 135 or 140 pounds, light complexion, blue eyes, light mustache, speaks fairly good English, claims to be able to speak nine different languages fluently.

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Joe Monologue or Malevoch, an Austrian, about 25 years old, weight about 175 pounds, brown mustache, light complexion, about 5 feet 8 inches in height.

E. H. WEITZEL, *Manager.*

Circular No. 570.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., April 3, 1911.

All superintendents:

Notwithstanding our former instructions in regard to care in not hiring boys under legal age, there have been several cases come to our attention in which superintendents were either deceived by the boys or neglected to comply with instructions.

The courts have ruled that the statement of a boy as to his age is no protection to the company hiring him, and that the statement of the parent is not full protection under some circumstances. We are, therefore, asking all superintendents to not hire boys under 16 years of age, except after first taking each case up with this office, giving reasons for wishing to do so. This is to apply not only to inside but outside the mines as well, and for all classes of employment.

We are asking the legal department to-day to furnish us with suitable blank forms to be signed by parents or guardians in case you have the least doubt as to the applicant for work being under 16, and would appreciate it if you, after receiving these blanks, will check over your employees and arrange as early as possible to do away with the service of those under 16, and have blanks filled out by parents or guardians in cases where there is any doubt in your mind as well as to use these blanks in all cases where boys are hired in the future.

Please acknowledge receipt; advise if you have any boys under 16 working and when their services will be dispensed with.

E. H. WEITZEL, *Manager.*

Circular No. 574.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., July 21, 1911.

All superintendents:

We had two small fires recently, caused by employees passing through small wooden doors in crosscut stopings with naked lights. Please arrange at once to either replace all such doors with iron doors or to cover the frames and doors themselves with sheet iron.

If doors are covered, No. 30 gauge would be suitable weight. If doors are made of iron, No. 8 gauge or heavier is the proper weight.

E. H. WEITZEL, *Manager.*

Circular No. 575.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., July 21, 1911.

All superintendents:

Under date of July 11, State Coal-Mine Inspector Jas. Dalrymple makes the following recommendation:

"In all cases where rooms or entries are driven to a fault or to their distance or land line, and where the pillars are to be left for any length of time, I recommend that crosscuts be driven at the faces of such rooms or entries."

If you already have not been in the practice of driving crosscuts at these points, please arrange to do so in all cases in the future.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., September 18, 1911.

All superintendents:

It has just been brought to my attention that the George W. Clayton School for Orphan Boys, located in Denver, is ready to be opened. It is the object of

this school to take white boys born in Colorado, between 6 and 10 years of age, to board and clothe them and teach them some useful occupation. The school was endowed by the man from whom it takes its name, and no charge is to be made for the service by the school. It is equipped to take care of 50 boys, and circular letters have been sent out notifying the county commissioners of each county in the State.

If you have boys eligible to enter this school in your neighborhood, would appreciate it if you would bring the matter to the attention of their mothers, and I will be glad to secure the necessary application blanks and furnish him with any other information you may need. Prompt action should be taken in this matter.

E. H. WEITZEL, *Manager.*

Circular letter.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., October 2, 1911.

*To the superintendents, doctors, first-aid and
Helmet teams of the first division:*

The excellent showing made by the first-aid and helmet teams at the Trinidad contest on September 28 is a source of great satisfaction to the management, and I am voicing the sentiment of Mr. Welborn, as well as all the other officials who witnessed the contest, in thanking you for your interest in this work, and in congratulating you on the manner in which you conducted yourselves at the contest.

It is our earnest desire that the work of training be continued until at least 25 per cent of all our mine employees have received certificates of proficiency in both first-aid and helmet work, and would request superintendents to send into this office, at once, the names and occupations of all helmet and first-aid men now at their respective mines, and in future send in the names of new men, who have completed the course of training each month. It is our wish to have a complete list of these men on file in this office at all times.

Trusting that you will continue the good work in the future with as much spirit and interest as in the past, and thanking you again, I am,

Sincerely,

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., October 3, 1911.

To superintendents of Walsen district:

The Government rescue car will be in the Walsen district within the next few weeks, and it is desired that interest in the helmet and first-aid work be revived. We want thoroughly trained helmet and first-aid men at every mine. Please arrange to renew your helmet training at once, so that a larger part of the time can be spent on first-aid work when the car is with you, and report to this office names and occupations of all men who attain proficiency in either branch of training at the end of each month.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., December 23, 1911.

All superintendents:

Please advise the number of men at your plant who have been trained in rescue work and the number that are now being trained. Also the number of helmet men who have trained in the use of helmets and the number that are now training. If you have any men at your camp who have received certificates of proficiency from the United States Government car, please let me have the number of these.

Would like this information at a very early date.

E. H. WEITZEL, *Manager.*

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Circular No. 588.

**THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., January 31, 1912.**

All superintendents:

In reviewing the fatal accidents for the calendar year 1911, we find that there was a total of 22 in the fuel department. One of these occurred at the Tabasco coke ovens, and the other 21 at the mines, 20 underground and 1 outside. Of this 20, 7 occurred in the first six months of the year, and 13 in the last six months. With the exception of November (when no accidents occurred) the other months when we were free from accidents, or had less than 2, were all months of light production, indicating that effort to obtain the highest production has something to do with our fatal accidents.

Eleven of our mines escaped with no fatal accidents. These are as follows: Starkville, Sopris, Tercio, Primero, Frederick, Hezron, Cameron, Fremont, Coal Creek, Crested Butte, and Floresta. One fatal accident occurred at Gulch, but it is really not chargeable to the mine, and was caused by a boiler maker, who had no cause to go into the mine, jumping on an empty trip and riding in a short distance and jumping off, being run over.

Of the 20 fatal accidents chargeable to the mines 15 were from falls of rock and coal and 5 from other causes. All of these 15 could have been avoided by proper timbering or taking down loose rock or coal. Of the other 5, 2 were caused by carelessness and 3 were unavoidable. While the record is good compared with other years, we feel that the number of fatal accidents from falls of rock and coal can be materially reduced by still closer inspection, better discipline, and greater care on the part of both miners and bosses.

One year ago we authorized the putting on of special men, who were to look after timbering and loose rock, whose time was to be employed wholly in looking after safety measures. In acknowledging receipt of this letter we should like to have each superintendent advise how many of these special men are now employed at the property under his charge and the names of the men so employed. Should also like to have suggestions as to better methods for maintaining a stricter discipline among the miners. We are anxious to make a better showing in 1912 than in 1911 and feel that it can be done with the proper effort.

E. H. WEITZEL, *Manager.*

Circular No. 585.

**THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., April 11, 1912.**

All superintendents:

In order that our position on the check-weighing question may be fairly understood by all our employees, would ask that you post the following notice:

NOTICE.

The Colorado Fuel & Iron Co. has always been willing that its miners should have a check weighman. This fact is well known to old employees, but for the benefit of the new ones this is notice that a checkweighman, selected by the miners from their fellow workmen, will be allowed at any of the company's mines.

E. H. WEITZEL, *Manager.*

Circular No. 598.

**THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., July 2, 1912.**

All superintendents:

Our company is very anxious that the camp schools shall be as efficient as possible to make them, and while we appreciate the efforts of our superintendents and other employees who have been serving as directors we believe that the efficiency can still further be increased by some outside assistance.

Mr. Walter Morrill has been appointed supervisor of camp schools, and we feel that with his experience and large acquaintance with teaching fraternity he can be especially helpful in the selection of teachers, and it is requested that

where teachers have not already been elected for the coming term the names of applicants be sent to Mr. Morrill at once; that in future years the selection of teachers be taken up with Mr. Morrill before an election is held.

Knowing the interest you all have in bringing our schools up to the highest possible standard, I feel certain you will cooperate with Mr. Morrill.

E. H. WEITZEL, *Manager.*

Circular No. 599.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., July 6, 1912.

All superintendents:

We occasionally have reports that when schoolhouses are used for dances on Saturday nights they are left in poor condition for Sunday morning church services; chairs or desks are badly disarranged, and filth and refuse is left on the floor.

We believe that when the schoolhouses are used for Saturday night dances, the dances should stop at midnight and the building be cleaned out and put in the proper condition for church services. This should include the proper arrangement of the chairs or seats. It is, therefore, requested that where superintendents are members of the school board they take such steps as are necessary to insure the schoolhouses always being in proper condition for church services on Sunday mornings.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., November 18, 1912.

All superintendents:

I am inclosing copy of first-aid certificate which we expect to furnish to men who have completed the regular course of the first-aid training at any of our mines.

The blank lines in the certificate are intended to be filled in by the superintendents with any statement as to the man's occupation, his diligence, or other matter in the form of recommendation.

Please advise how many of these blanks you can use.

It is the intention to have the blank filled out at the mine, indorsed by the local doctor and the mine superintendent, and sent to Pueblo for manager's signature before delivering to the employee.

Would like also to have your opinion as to the advisability of issuing a similar certificate for helmet training.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., December 9, 1912.

All superintendents:

Please send to this office a list showing the code of bell signals used in connection with your haulage system.

We are figuring on ordering indestructible metal signal signs for use at the mines and would be glad to have the above information by return mail.

B. J. MATTESON, *Assistant Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., December 30, 1912.

All superintendents:

Replies to our circular of December 9 indicate that different mines have different signals for the same movement of trips. The following code has been arranged, and we would like to make this uniform at all C. F. & I. plants:

One bell, hoist.

One bell, stop if in motion.

Two bells, lower or back trip.

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Three bells, man trip. If slope or tail rope, engineer will hoist trip 2 feet; men will then get in the cars and trip rider will give engineer one bell to hoist. If shaft, engineer will give return signal of one bell; men will then get on cage and cager will give one belt to hoist.

Four bells, run slow. After this signal give signal to hoist or lower as desired.

Seven bells, accident. Move trip or cage by phone orders only.

In addition to the above, signals to meet local conditions may be added, but they must not in any case conflict with the above signals.

Please advise promptly how many metal signs you will require with the above code printed on them for use at your mines and the points in the mine where you expect to post them.

B. J. MATTESON, *Assistant Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., January 17, 1913.

All superintendents:

I am inclosing statement of accidents occurring at our mines for the past three years.

It will be noted in this statement that a greater tonnage per fatal accident has been produced in each of the divisions in 1912 than in 1911, the best showing being made in the western slope division, Canon district being second, Trinidad third, and Walsen district fourth. The low average in the Walsen district for 1912 is largely due to one fatal accident each at Lester, Ideal, and Cameron.

In 1911 the following mines had no fatal accidents: Starkville, Sopris, Tercio, Primero, Frederic, Cameron, Coal Creek, Fremont, Crested Butte, and Floresta.

In 1912 the mines where no fatal accidents occurred are as follows: Sopris, Tabasco, Walsen, Coal Creek, Crested Butte, and Floresta.

While the report for 1912 is encouraging, we believe that with more care in inspecting the roof by mine foremen and assistants that the number of fatal accidents for 1913 can be reduced still further. Of the 20 fatal accidents in 1912, 15 were due to falls. In all these 15 cases the inspection after the accident showed that there was plenty of timber on hand to have protected the miner had he used them. In some cases reports indicate that the injured party was known to have been careless about his timbering, and the fact that he was hurt was due to the failure on the part of the mine foreman or his assistant to exercise the proper discipline.

It is requested that each superintendent call the attention of his mine foreman to the statements in this letter and endeavor to profit by last year's experience in enforcing a more rigid discipline in cases where miners show disposition to be careless about timbering.

E. H. WEITZEL, *Manager.*

Circular No. 609.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., February 19, 1913.

All superintendents:

Beginning with the month of February, all plants of the fuel department will be paid twice each month, the first pay including the 1st to the 16th, and the second from the 17th to the last of the month.

Please advise all concerned.

This cancels Circular No. 606.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
Denver, Colo., February 20, 1913.

To all mine superintendents:

The officers of the Colorado Fuel & Iron Co. have for the past year considered the establishment of an eight-hour workday basis at its coal mines.

For several years the majority of our coal-mine employees have worked from seven to nine hours per day. For the purpose of equalizing the time of employment and establishing an eight-hour workday basis for underground men, effective March 1, 1913, the manager and his assistants will visit all mines during the next week to arrange the working details.

J. F. WELBORN, *President*.

Circular letter.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., March 28, 1913.

All superintendents:

The new mining law which will be passed within a few days requires assistant mine foremen to make a daily report, and in order that the mine inspector may know how many assistant mine foremen are employed would ask that you furnish us with this information at once.

If in your judgment it will be necessary to employ more assistant mine foremen to comply with the provision in the law that all working places must be visited during working hours, please indicate the additional number that you will have to employ.

The new law also requires that each underground employee, where practical, shall be furnished with a copy of the essential parts of the mining law in his own language. You will therefore please furnish us with the number of underground employees of each language, including English, so that the mine inspector may be advised as to the number we will require.

Would like to have information on these questions at your earliest convenience.

E. H. WEITZEL, *Manager*.

Circular No. 621.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., May 28, 1913.

All superintendents:

The State mine inspector's office will send you copies of the mining law printed in English within about two weeks.

Immediately upon receipt please advise number of copies you receive and amount of express, if any, you pay.

Please furnish promptly one copy to each underground employee who reads the English language and collect actual cost of same from him over pay roll.

We expect copies of foreign languages to follow soon, which will be handled in the same manner.

After you receive copies of the law if any underground man you hire has not a copy, give him a copy in a language he reads, if possible, when getting his card record, and charge to him on pay roll.

Take up with this office by letter for additional copies needed at any time.

E. H. WEITZEL, *Manager*.

Circular letter.

THE COLORADO FUEL & IRON Co.,
FUEL DEPARTMENT,
Pueblo, Colo., June 4, 1913.

All superintendents:

The new mining law requires that only enough powder for one day's use shall be taken into the mine on any one day. This includes permissible giant and black powder.

Permissible and giant powder must be kept in a box constructed of non-conducting material, and black powder must be carried into the mine in cans having a drop or screwed top.

The mine owners are to furnish these cans and boxes at cost to the employees. In order that we may be prepared to put this rule into effect would ask that you please send in at once the number of boxes for carrying permissible giant and the number of cans for carrying black powder that will be needed at your mine.

In cases where black powder is being used and where all employees are not using the lawful can, please furnish approximate number of cans needed to supply those not using them.

The law also requires that copper needles and tamping bars with copper tip of not less than 4 inches shall be used. Please advise the number of such needles and bars that will be needed at your mine.

E. H. WEITZEL, *Manager.*

Circular letter.

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., August 26, 1913.

All superintendents:

I inclose herewith a copy of 25 mine rules which we propose to have printed in large type, framed, and posted in conspicuous places around our mines.

Please note that in rule 7 we have left a space for instructions to be inserted to fit the practice at such mine. Wish you would kindly read over these rules carefully, fill in the practice at your mine under rule No. 7, and return inclosed rules with any suggestions as to changes or additional rules you would like to have included. We will then have corrected copies printed and mailed to you for posting.

Please attend to this at your early convenience.

E. H. WEITZEL, *Manager.*

THE COLORADO FUEL & IRON CO.,
FUEL DEPARTMENT,
Pueblo, Colo., November 30, 1914.

All superintendents:

Pete Atanosoff, a Bulgarian, age 30, height 5 feet 11 inches, weight 186, dark complexion, black hair, dark brown eyes, has been discharged from Tabasco mine account drilling hole 12 inches on the solid, filling the 12 inches with powder, and leaving regular charge of powder at mouth of hole.

E. H. WEITZEL, *Manager.*

Chairman WALSH. At this point we will take an adjournment until 10 o'clock to-morrow morning.

(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned until Wednesday, December 9, at 10 o'clock.)

DENVER, COLO., Wednesday, December 9, 1914—10 a. m.

Present: Chairman Walsh; Commissioners Ballard, O'Connell, Lennon, Garrettson, Weinstock, and Harriman.

Chairman WALSH. We will proceed now. Now, if you will, kindly submit the matter that you have on hand that was called for.

Mr. WEITZEL. The first is the scale of wages that you asked Mr. Welborn for, beginning with October 15, 1902, and showing the different changes up to the present time.

Chairman WALSH. Just hand it to the clerk. Mr. Dower, take this matter and hand it to the stenographer.

(See Weitzel Exhibit No. 2.)

Mr. WEITZEL. The second is a statement of the number of days worked at each of our mines during the years 1910, 1911, 1912, and 1913.

(See Weitzel Exhibit No. 1.)

Mr. WEITZEL. You asked some questions yesterday evening about the schools—the camp schools?

Chairman WALSH. Yes, sir.

Mr. WEITZEL. I have here a letter from the superintendent—the county superintendent of schools of Las Animas and Huerfano Counties—written to Rev. E. S. Gaddis, May 13, 1914.

Chairman WALSH. I will ask you to read it, as it is just a page or two.

Mr. WEITZEL (reading):

"Regarding the public schools located in the fuel and iron camps—first, as to the buildings, all the districts in which the C. F. & I. operates have sub-

stantial modern buildings, and well furnished and equipped for school work. There are seven districts in which this company operates. Those districts employ 26 teachers; 7 hold normal diplomas, 16 hold first and 3 hold second grade certificates.

"As to the efficiency of these schools, I wish to present the following statistics: Total eighth-grade graduates for the entire county in 1911, 48. Eighth-grade graduates C. F. & I. schools in 1911, 11. Total eighth-grade graduates for the entire county in 1912, 61. Eighth-grade graduates C. F. & I. schools in 1912, 28. Total eighth-grade graduates for the entire county in 1913, 64. Eighth-grade graduates C. F. & I. schools in 1913, 22. In other words 35.26 per cent of all the graduates for those three years were from those seven districts. Number of nonresident Las Animas County pupils now attending the Trinidad High School, 35. Number of those belonging to the above-mentioned districts, 17, or 48½ per cent. From 1908 to 1913 Starkville produced 31 eighth-grade graduates; average 6 plus for each year. Sopris produced 21 eighth-grade graduates; average 4 plus for each year. Larger numbers than any one other school in Las Animas County.

"JAMES E. KANE."

May 12, 1914, by C. D. Leshner, superintendent of Huerfano County schools. Under date of May 12, 1914, C. D. Leshner, superintendent of the Huerfano County schools, writes: "Regarding the public schools located in the Colorado Fuel & Iron Co. camps in Huerfano County, there are four districts in which this company operates. In these districts the buildings are modern and up to date, well furnished, and equipped for the very best of school work. There are 13 teachers employed in the four districts; 5 hold State normal diplomas, 8 hold first-grade certificates, and I want to state that these are not ordinary teachers, but teachers of the better class. In each of these districts all subjects are taught and any student completing the eighth grade from one of these schools will be admitted to any creditable high school without further examination. In the past four years we have a number of eighth-grade graduates from the so-called camp schools attending the various high schools in the State. Eighth-grade C. F. & I. camp-school graduates: 1910, 8; 1911, 6; 1912, 4; 1913, 4.

"C. D. LESHER."

Chairman WALSH. Did you get, Mr. Weitzel, a list of the last 25 settlements that your company made?

Mr. WEITZEL. Mr. Herrington, the attorney has got that information.

Chairman WALSH. Has he got it yet?

Mr. WEITZEL. I do not know. It is not in my department. He is here this morning.

Chairman WALSH. Has that been prepared yet?

Mr. C. E. HERRINGTON. A list of the last 25 settlements that the company has made?

Chairman WALSH. Yes, sir.

Mr. HERRINGTON. It is being made and will be here during the day. My brother is looking after that.

Chairman WALSH. Was there anything else that was called for, Mr. Weitzel?

Mr. WEITZEL. No, sir; I believe not; I do not remember.

Chairman WALSH. I do not recall anything. Is there anything you would like to volunteer, or any explanation of your testimony, or any amplification that you would like to make?

Mr. WEITZEL. Yes, sir.

Chairman WALSH. Very good; you may do so.

Mr. WEITZEL. You asked for the circulars relating to the enforcement of law. While the circulars that you have are complete, yet there were a number of other things done. We held a meeting before the passage of the law, of our superintendents and mine foremen, which I attended, and in which the matters of safety were gone into and discussed fully, as to the use of powder, and the use of shot firers; and in 1912 we organized in Colorado, or in Denver, here, the Rocky Mountain Coal Mining Institute, comprising the States of Colorado, Utah, New Mexico, and Wyoming. We organized chapters or branches in the coal-mining districts, at least in Huerfano and Las Animas Counties, and after the passage of this law meetings were held in Trinidad, at which a number of the members of this society were present, including mine foremen and superintendents, and the law was taken up section by section, and as I was one of the

subcommittee of the senate that revised the statute, I was there to explain my understanding of each difficult section, or what some of the difficulties to the miners or superintendents are. And I think the same kind of meetings were held in Walsenburg, and I believe the law was thoroughly understood by the officers.

Chairman WALSH. Now, is there anything else?

Mr. WEITZEL. You asked about the men having clubs and social life in the camps. Here is a letter from a workman at Berwind to Mr. Schenck.

Chairman WALSH. Mr. Weitzel, I am going to let you tell the substance of it, if you have read it.

Mr. WEITZEL. He tells about the religious services held in the schoolhouse once each month and a Catholic priest holds mass in their church in Tabasco. There is about a page of it and I can read it faster than I can tell you.

Chairman WALSH. Go ahead.

Mr. WEITZEL (reading):

"Union Sunday school each Sunday in the schoolhouse. The upper two rooms of the schoolhouse is divided by folding doors, upon being opened affords seating capacity for some 200 persons, has raised platform on one end. School seats are movable and ample folding camp chairs for seating the audience. Has ante and cloak rooms for lodge purposes, four of which hold regular meetings—Red Men, Pocahontas, Maccabees, and an Italian order. It is floored with hardwood flooring and a piano furnished for dancing, electric lighted, heated by furnace, and supplied with two antiseptic drinking fountains. Four exits.

"Prior to the late unpleasantness there was 'something doing' every evening. Card club, social, ball, lodge meetings, first-aid drill, and each Saturday evening moving-picture show, handled by the local officials of the Colorado Fuel & Iron Co. After these shows dancing was indulged in until midnight, music being furnished by local orchestra.

"Night mining school two evenings each week promoted and fostered by Mine Superintendent O'Neill.

"First-aid drill semiweekly by both the Tabasco and Berwind teams; this work was not only approved by the officials of the mining company, but was to a certain degree compulsory.

"Of course, at the present the first-aid teams are more or less disorganized, also the ball team. The lodges are still intact and hold their regular meetings. Also the moving-picture shows are given each week. There has not, to my knowledge, been a single outside moving-picture show in this canyon.

"During the summer we have merry-go-rounds and street carnivals."

I don't believe that there is anything there in the rest of it that you would care about.

Chairman WALSH. Anything else?

Mr. WEITZEL. You did not ask me about the first aid. You asked Mr. Welborn with reference to the first-aid and helmet work.

Chairman WALSH. Very good. Anything of that kind, now, that suggests itself to you—anything you may wish to discuss.

Mr. WEITZEL. In that bunch of circulars I gave you, you will notice when I tried to start the first-aid work. Well, a little later on we employed special men for that sort of drilling, and in 1911 we held a contest at Trinidad at the State fair, at which all our teams took part as well as those of a number of other companies. There were a number of prizes offered by the operators and some by the citizens. I told our different teams that if any of them should win a prize I would take the captains of those teams back to Pittsburgh and show them the testing station. There was a big meet held at Pittsburgh that year and I believe our teams won all the prizes. I believe that I had to take a number—or didn't have to, but I think I did take back to that meet four of those captains.

In 1909 the first agent representing self-contained breathing apparatus appeared in this district. I believe it was the first in use. We promptly ordered a set of the equipments, and they were delivered early in 1910. In order to use this equipment the men must be trained in the work. They can not put it on a man who is not familiar with it and go into a mine safely at the time of an accident. We decided the best way to do it was through a car, and we sent a special man around with the equipment to train men at each camp. This was done, and a few months later a Government official representing Dr. Holmes's department came out with the intention of selecting sites for training stations in the State, and he selected a site at Trinidad, but learned of

our car and went back to Washington and recommended rescue cars be used instead of stations, so they could travel all over the district; and the Government adopted that system.

The first-aid and helmet training has been kept up. We have continued to send the helmet car around except during the strike, and I might say that when the Government first came in the district they asked for our man, and he was put on, we were asked for our man to be turned over to them, and I think we turned over one other to go into another district. I believe we have been the leaders in Colorado.

I might say that in the use of permissible powder—this is a powder which I will explain if you are not familiar with it—after it has passed the test at the Pittsburgh testing station it is put on the permissible list; out at the arsenal ground there, they have an equipment for testing powder, which consists of a cannon and a long tube built of boiler iron, about 6 feet in diameter. The powder is placed in this cannon and rammed in with clay, so as to produce the same effect as a blown-out shot in the mine. It is exploded into a mixture of gas and dust at the highest explosive point; and it must be fired into this explosive mixture 13 times in succession without exploding the mixture, in order to be passed as permissible powder for use in coal mines.

The first test they made was about 1909. I received a circular from Dr. Holmes's department, and immediately ordered a shipment of powder to one of our mines. We began the use of the powder, began experimenting then, and within the next year we had introduced it into all of our mines in the two southern counties. It is quite extensively used in Colorado, and you will find by looking over Dr. Holmes's reports that in the union districts they have not generally adopted that powder. I have noticed newspaper statements of the difficulties the Pittsburgh operators had in trying to introduce permissible powder into their mines, on account of the opposition of the United Mine Workers. I might say, too, I believe that in the southern counties that about 90 per cent of the nonunion mines mine coal with permissible powder; while very few, probably not over 10 per cent of the union mines, if there are any—I don't know any union mines in the two southern counties that is using anything but the old black powder. It is forbidden by law, but they are still continuing to use it.

Commissioner WEINSTOCK. Why should the United Mine Workers object to the using of permissible powder?

Mr. WEITZEL. That is a hard thing to answer.

Commissioner WEINSTOCK. Is there any disadvantage to the use of the powder by the worker?

Mr. WEITZEL. Where a coal is mined on a lump-coal basis, it breaks up the coal more; but the disadvantage is more, I believe, to the operator than it is to the miner for that reason.

Chairman WALSH. Was there anything else?

Mr. WEITZEL. No, sir.

Chairman WALSH. Commissioner Garretson would like to ask a question.

Commissioner GARRETSON. What is the comparative cost of permissible powder and plain black?

Mr. WEITZEL. The plain black powder is sold at prices I believe ranging from \$2.25 to \$2.50 for a 25 pound keg. Permissible powder is sold to the miners at 12½ cents a pound. But a pound of permissible powder has a considerable greater force than a pound of black powder. I believe that the companies that use black powder make some profit at \$2.50 a keg. We handle our permissible powder at cost to the miners. In fact we made the price a little too low. We have found that the cost of handling the powder, added to the cost laid down, does not quite keep us in the clear.

Commissioner GARRETSON. Is there any of the opposition of the union miner due to the fact that the company should bear the difference in cost?

Mr. WEITZEL. I don't know. I talked to one of the Government officials the other day about an attempt that had been made to introduce it in some mine in Montana, and the union officials and operators both said they thought it was a good thing, but after it had been taken up at the union meetings, the excuse was given "That we have a provision in our contract for powder at \$2.50 a keg, and we don't care to change."

Commissioner GARRETSON. Unless the company bore the added cost.

Mr. WEITZEL. As a matter of safety to both life and property, black powder should not be used, except it is fired by an electric battery from outside the mine. I think that any operator should be allowed to use it in the mine, after

everybody is out, if he wants to take the chance of blowing the mine up, he ought to have that opportunity.

Commissioner GARRETSON. In regard to the desirability of a miner decreasing with his intelligence, as you testified before the commission, that when he became more intelligent he was a less desirable factor in that he was harder to control.

Mr. WEITZEL. I didn't say that.

Commissioner GARRETSON. What did you say?

Mr. WEITZEL. I said that when he was more experienced he was harder to control, that he did not have the dread of the danger.

Commissioner GARRETSON. Are you sure the record is not "intelligence?"

Mr. WEITZEL. No; I mean, I certainly did not intend to make that statement. I feel quite certain it is not that.

Commissioner GARRETSON. Well—

Mr. WEITZEL. I had a conversation with the mine inspector the other day about a case he had—

Commissioner GARRETSON. Either "intelligence" or "experience," let it go at either one rather than to take the time to argue which it is.

Mr. WEITZEL. That is a well-known fact.

Commissioner GARRETSON. Isn't it due to the fact that as he becomes more experienced, he not only becomes experienced in mining work, he becomes experienced in a knowledge of his own civil rights?

Mr. WEITZEL. Well—

Commissioner GARRETSON. And the nearer he gets to citizenship the less desirable he is as a miner?

Mr. WEITZEL. No; I wouldn't say that.

Commissioner GARRETSON. Well, is it not a fact that the standard of development, either of intelligence or experience, should apply exactly alike to the employees of an enterprise from the top to the bottom?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. It is not?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Show me.

Mr. WEITZEL. If I understood your question, it implied that as a man increased in intelligence he was a less desirable employee.

Commissioner GARRETSON. No; he is a better one?

Mr. WEITZEL. Oh, yes.

Commissioner GARRETSON. In intelligence and experience?

Mr. WEITZEL. Yes, sir; he produces more product. He is more efficient, but he is less careful of his own life.

Commissioner GARRETSON. He is more difficult to control?

Mr. WEITZEL. He gets familiar with the danger, and familiarity breeds contempt.

Commissioner GARRETSON. And he gets familiar with the restriction of his rights, and it produces contempt for restriction?

Mr. WEITZEL. Yes; if his rights are restricted.

Commissioner GARRETSON. The application of your theory, as you stated it, either would mean that the officers of the company, from pit boss up to foreman, are more desirable with experience, and the men below that are less desirable?

Mr. WEITZEL. No.

Commissioner GARRETSON. If that is not the case, is not your phrasing a little unfortunate?

Mr. WEITZEL. When I said desirable, in that sense I referred to his being an easier man to control in the way of setting timbers in his working place and obeying the rules of the mine as to safety; he is a more efficient man, or should be, the most experienced?

Commissioner GARRETSON. Are serfs more desirable than freemen for controlling purposes?

Mr. WEITZEL. I do not get just your meaning.

Commissioner GARRETSON. I will illustrate: I know two railroads that, prior to 1861, owned their brakemen; they were a little high colored, but they owned them. They were more easily controlled than now.

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. That is the difference between serfs and free men. You stated that you would be glad to attend committee meetings called for the purpose of electing checkweighmen?

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. Would you be equally glad to stay away from them and let the committee itself elect checkweighmen?

Mr. WEITZEL. If I thought it would be successful I would. Anything at all that would result in the election of checkweighmen would be desirable to me.

Commissioner GARRETSON. What has been the fate of checkweighmen if they properly carried out their duties?

Mr. WEITZEL. The fate of the checkweighman is that some of the miners think that the checkweighman is favoring some other miner or nationality, and they object to it.

Commissioner GARRETSON. What happens if the company gets the idea that he is giving full weights? What is his tenure of service; would it be much longer?

Mr. WEITZEL. There is no objection to that. We want to give and do give our miners exact weights, so far as it is in our power to do so. As explained by Mr. Osgood, we check the weights of the miners with the weights of the shipments and they tally very closely.

Commissioner GARRETSON. As a matter of fact, is the miner responsible for shortages that occur between the pit mouth and the consumer, or is the company responsible?

Mr. WEITZEL. The company is held responsible by the railroads for losses between the tipple and the consumer; a great deal of coal is spilled, but the railroads do not assume that responsibility.

Commissioner GARRETSON. Should the miner?

Mr. WEITZEL. No, sir; the coal is weighed at the mine, on the track scales at the mines; that is the weight that is compared with the tipple weights, and there is no chance for a loss between the dumping of the car and the railroad.

Commissioner GARRETSON. Only under those circumstances where it is admitted that the company did screen before weighing, or the circumstances where they screened without admitting it?

Mr. WEITZEL. You say "screened before weighing"; that is the law in Colorado to weigh before screening. There are a number of districts in the United States where the coal is screened before weighing and in some union districts.

Commissioner GARRETSON. That is where the contract provides for it?

Mr. WEITZEL. Yes; and the contract is always made higher so as to compensate for the whole product.

Commissioner GARRETSON. There is never an objection where it is a contract provision?

Mr. WEITZEL. There is an objection. There is a fight in Ohio. The passage of the law shows that. The United Mine Workers of America are against the lump-coal basis—I believe principally because it is a measure of skill and puts a premium on skill; the man that produces more lump coal gets more money. At one of our mines in Fremont County where we employ a sort of double standard, we weigh the coal on top, as mine run, then screen it and weigh the screened coal and pay a separate price for screened, and our mines earned premiums in two years of \$25,000. I have a statement showing the increase of wages due to this system.

Commissioner GARRETSON. Skill is the outgrowth of experience?

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. And if experience means that a man becomes more undesirable, is he not a fool then to develop skill and experience?

Mr. WEITZEL. Yes; he would be if that were true, but it is not.

Commissioner GARRETSON. Has your company developed a species of feudalism in which you furnish the brand of religion that your men enjoy and in which you direct the brand of social entertainments they will have and in which you direct the schools they shall attend, and the matter which they may read as furnished in your reading rooms? Is that feudalism or freemen's style?

Mr. WEITZEL. If it were true, it would be feudalism, but it is not true. Our miners attend what meetings they wish and get what literature they want. They may either buy it in the stores or have it sent to them through the post office.

Commissioner GARRETSON. Your camps are detached; how far would they have to travel?

Mr. WEITZEL. Not at all. They could get them through the mail. Some of our camps are connected by street cars with the city of Trinidad. All have

railroad connections and the miners come to Trinidad in large numbers; in fact, the town is supported largely by them.

Commissioner GARRETSON. They get religion, politics, etc., by parcel post?

Mr. WEITZEL. No, sir; I did not say that. If they do not want to attend the camp church, they can go to town, and some of them do. I called one of them on the phone last Sunday and he was in Trinidad at church.

Commissioner GARRETSON. I have heard it dwelt on, what absence there was of industrial unrest there was in your territory. Now, is the peace that prevails in that territory contributed to very largely by this process of weeding out agitators?

Mr. WEITZEL. Well, it might be said to be in a way; yes, sir.

Commissioner GARRETSON. In other words, there is no objection on the part of the employees, as a body, voiced, because everybody that objects is immediately gotten out of camp?

Mr. WEITZEL. No, sir; they are not. When a man objects, his objection is investigated, and if he has been wronged that wrong is redressed.

Commissioner GARRETSON. After the series of strikes that have occurred in that territory in the past years, and the methods of dealing with agitators that has been in vogue, does not the peace down there smack strongly of the peace in a cemetery?

Mr. WEITZEL. Oh, no; I do not claim——

Commissioner GARRETSON (interrupting). It is like the peace of God that passeth all understanding?

Mr. WEITZEL. I do not claim and never have that men are entirely satisfied. I never saw a man who was entirely satisfied; I am not, and I don't think that you are.

Commissioner GARRETSON. Sure not.

Mr. WEITZEL. A man when he is entirely satisfied is ready for the cemetery.

Commissioner GARRETSON. It has been testified here repeatedly that they are satisfied and that there is no unrest.

Mr. WEITZEL. Not by me.

Commissioner GARRETSON. No, I grant you not; do you believe there is unrest?

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. That is all.

Chairman WALSH. Is there anything else?

Mr. WEITZEL. Well——

Chairman WALSH. Mrs. Harriman has one or two questions that she would like to ask you.

Commissioner HARRIMAN. Mr. Weitzel, I would like to know how much you come in contact with the individual miners?

Mr. WEITZEL. I usually come home about Saturday noon, and sometimes Friday night. I am home until the Monday evening train, and between Monday and Saturday I am at the mines almost continually from one to another. I never go to a camp without talking to some of the miners.

Commissioner HARRIMAN. How readily can the individual miner have access to you, for instance, with a complaint?

Mr. WEITZEL. If he wants to speak to me, he can watch for me when I come to the camp, or he can write me a letter. I get lots of letters from miners voicing their complaints and often they are justified. I have discharged superintendents because I thought they did not deal justly with the miners, as a primary cause, and mine foremen, and have reversed the decisions of mine foremen and superintendents at different times. I could relate instances to you here from now until noon if you wished to listen.

Commissioner HARRIMAN. That is all.

Commissioner WEINSTOCK. Just one moment, please. In order to straighten out the record, and make clear a seeming misunderstanding, I find here, in yesterday's testimony, the statement made by a witness, going on to recite that he found some trouble in a mine purchased by his company in Huerfano County, in which, among other things, he said:

"I told them I did not think there was, and I asked them why. They said, if there is no likelihood of your buying that mine, we want to work there. I says, 'What is the trouble with you?' And the man who spoke, his name was O'Neil, and he said, 'I want you to understand I am a union man, and these boys with me, and we won't have any foreman come and direct us where we are to set our timbers. We have all been in the mines longer than your foreman has.' That was one of my experiences to lead me to believe——"

"Chairman WALSH. Would the logic of that not be that it is preferable to hire men ignorant of the location of mines and non-English-speaking?"

"Mr. WEITZEL. Oh, no; I would not say so. I found these members of the United Mine Workers the hardest to handle, the men who did not want to subject themselves to the discipline of the mine."

Nothing said about intelligence.

Commissioner GARRETSON. The commissioner is entirely in error. I quoted from the testimony before the congressional committee.

Chairman WALSH. Is there anything further?

Mr. WEITZEL. There has been some information asked for at different times during the sitting of the commission of which I made notes, and which the witnesses were not able to explain.

Chairman WALSH. I asked you if you had anything further; anything you have, please put it in.

Mr. WEITZEL. I believe Mr. Welborn told you of the nationalities. I find our English-speaking percentage has increased during the strike. Our census before the strike showed 21.6 per cent; our last census showed 29.8 per cent of English-speaking men. I told you last night the cost of the Primero saloon was about eight or nine thousand dollars. I based my valuation on what I knew the Tercio saloon building stood on the books \$6,000, and it was much smaller. I looked it up and found that the Primero building, while twice as large, stands on our books at only \$3,000.

Chairman WALSH. You charged the saloon keeper \$1,500 a year for that saloon building?

Mr. WEITZEL. I don't know.

Chairman WALSH. You told me it was \$1,500 a year. When was that saloon built?

Mr. WEITZEL. It was there when I came with the company in 1908.

Chairman WALSH. Then this saloon building that cost \$3,000 had paid for itself in two years and you are making \$1,500 a year off of the liquor sold the men?

Mr. WEITZEL. That is the case, but as I said yesterday, I am against the saloon business in any form.

Chairman WALSH. Have you authority to do away with that particular one at Primero?

Mr. WEITZEL. I think I will have now.

Chairman WALSH. Have you had?

Mr. WEITZEL. I did not have, but I closed that saloon up for a period. I did not close it for a period, but at a time when the saloons were open in Las Animas County on Sunday, I said no saloons on our property should run on Sunday and that one was closed, and our men went down to Old Segundo, and some of the men there built additions to their places of business. The men would go to Segundo, and when they went that distance they took more on than they could get home with, and I believe that as long as saloons are in existence in the near neighborhood, it is a matter of protection to have one on your own property.

Some questions were asked about the accidents in the State of Colorado. I have a statement here showing the accidents per thousand at our mines for the last three years.

In 1911 our accidents were 3.51 per thousand; in the balance of the State 8.09, and in the United States 3.73. We were 0.22 below the United States.

In 1912 our accidents were 3.4 per thousand; in the United States 3.15 and in the balance of the State of Colorado they were 9.05.

In 1913 the C. F. & I. accidents were 3.73 and in the balance of the State 11.19. I have not got the record for the United States for 1913. Here is the statement for the record.

(The document referred to is printed as Weitzel Exhibit No. 3.)

You asked Mr. Dalrymple about the accidents for 1914 when he was on the stand. I have gotten from his office the information that in the 11 months past there were 77 fatal accidents in the State. Last year—1913—there were 110 fatal accidents reported, but only 108 of those should actually be charged to the mines, as two occurred in coal washers. So, in 1914, the rate of accidents was 7 a month, and in 1913 it was 9.

Commissioner GARRETSON. In making those figures, what do you call accidents?

Mr. WEITZEL. Fatal accidents only.

Commissioner O'CONNELL. Have you given any attention to general accidents, as compared with United States statistics?

Mr. WEITZEL. Yes, sir; I said yesterday we had, undoubtedly, dangerous conditions here that did not obtain in any other mining district, unless it might be in New Mexico or some of the other Rocky Mountain districts on account of the disturbances. There is no question that in a number of our coal fields, at least, the coal seams thrown up and then subdivided, and that is the reason of a great many fractures of the overlying stratum.

Commissioner O'CONNELL. Does that not prevail in every Colorado mine?

Mr. WEITZEL. Yes, sir.

Commissioner O'CONNELL. Then why is that different showing?

Mr. WEITZEL. In three of the companies this fight is brought against, the percentage of accidents is low—the Rocky Mountain Fuel Co., the Victor-American Fuel Co., and the C. F. & I. In some of the years, I read, both the Victor-American and the Rocky Mountain Co. are below us, down to 2.82 per thousand, as the mine inspector's report shows it. I account for the three larger companies having a smaller ratio of accidents by their better discipline.

Commissioner O'CONNELL. I have here the figures of the State inspector put in the record the other day, and they are in around about as 4 to 8, 3.34 to 7½. Why is that extraordinary condition?

Mr. WEITZEL. I can only account for that by saying that the discipline is not enforced. For instance, in order to learn what the people who signed up with the unions were doing, and who were objecting in regard to the new law, I sent some of our men to visit some of the union mines in the State. There is a mine operated by the union in this State, and which has always been known as a union mine. They signed up as soon as the strike was called and have been in operation four years. And while the law requires that two openings shall be made to the mine within a specified time, they are still operating with only one, with a main shaft eleven hundred feet deep, where the men are sent down with no chance of escape if this deep shaft should cave in. That is operated on State coal land. They have made no effort to comply with the law.

In other union mines in Huerfano County as late as June I found that while there was lots of dust in those mines that no sprinklers were installed and that there was no telephone; also, that they were using wooden trapdoors, while the doors are required to be covered by noncombustible material, yet they had made no effort to do so.

Manways are required for the men to travel, and where manways are not in use you are required to cut a hole in the solid sides, and whitewash them, every 50 feet. None of that work had been done.

They were using black powder in some of those mines. One mine in Gunnison County operated by the same company that operates on State land in Fremont County, the most inflammable district in the State, is still using black powder, although prohibited by law.

One of these companies—I don't know all of the companies that have signed up with the union—it was claimed at the beginning of the strike it was necessary to have the union in order to enforce the law. The State mine inspector is a union man; all his deputies are union men; and they owe their appointments to the backing of the United Mine Workers. There is no question about that, and I don't think they would deny it.

Here is the Alliance Coal Co., that has signed up with the United Mine Workers of America, and they killed 23½ men per thousand in 1913. The Amador Fuel Co. killed 20 per cent of their men in 1913—200 per thousand.

Commissioner O'CONNELL. Is that the result of some extraordinary condition?

Mr. WEITZEL. No; they had no explosion. And some of the others. I tell you this to show you that the union is not necessary to enforce the law, because it is the nonunion places that have the smallest number of fatal accidents. Here is the Baldy Coal Co., operated by the union, that killed 111 men per thousand in 1913.

Those are some of the things that help to make the high average for Colorado.

Commissioner LENNON. They are comparatively small mines, are they not?

Mr. WEITZEL. Yes, sir; and the matter of supervision should be easier.

Commissioner LENNON. Are you positive that the situation in Ohio, Illinois, and Iowa, where the average has been reduced, has been bettered since the joint agreement has been in effect?

Mr. WEITZEL. I think the average has been decreased in all of these States, but I do not think it is on account of unionism, but on account of better conditions.

Commissioner LENNON. What has been the influence on legislation—who has influenced the legislature the most to secure this legislation?

Mr. WEITZEL. In Colorado, the United Mine Workers of America.

Commissioner LENNON. And all over the country?

Mr. WEITZEL. I don't know. It was through the agency of the United Mine Workers that the law was first introduced in 1913. I will say for my company that there has been no change in the operation of its mine since the law was passed, as we had practically all the features of the new law in operation before it was passed.

The fact that these are small mines is no reason in my mind that the fatal accidents should increase, but that they should allow a better supervision than in the large mine.

We are the company that has been assailed most in the public press, and by the organizers up and down the State, as having horrible conditions in our mines, and being responsible for the large loss of life. In the State mine inspector's report, who, as I said before, is a strong union man, in 1911 he says, in his letter to the governor:

"I believe it is fair to give credit to those operators who have cooperated with this department in making improvements recommended beyond the requirements of the present mining law; and in acknowledging the concessions made by them, it must be further added that there is no authority embodied in the law by which these conceded improvements could have been enforced, no matter how essential they were to protect the life and health of employees. The Colorado Fuel & Iron Co. ranks first in making improvements not compulsory or demanded by the law."

Chairman WALSH. Was that Mr. Dalrymple?

Mr. WEITZEL. Yes, sir. I have a statement prepared here. It has been heralded about the country that on account of meanness and unwillingness to spend money for improvements these accidents occurred. I came with the company on March 15, 1908, and while I am not inferring that this sort of thing did not go on before, I have made this statement only since my connection with the company; from April 1, 1908, to January 1, 1913, we spent \$161,720.89 in providing better ventilation, sprinkling, telephone system, manways, and rescue apparatus. In 1913 for labor for sprinkling, and operation of humidity boilers, to humidify the air, before it goes into the mine, we spent in wages in one county, Las Animas, \$19,164.71. I want to say that my company has never denied me one dollar that I have asked for for an improvement that tended to create better conditions and safer conditions for the miner.

It has been charged that we do not pay for "dead work." That is one of the items in the miners' charge. I take this statement drawn off for the year ending June 30, 1914, where we paid for labor in dead work \$219,601.45.

You asked me yesterday evening whether I would object to organizers going into our camps and holding meetings—organizers of the United Mine Workers—and I said I would. My objection to this organization is not to them as an organization or because it is an organization, but on account of the organization and the character of the people who represent it—not all of them. I am very good friends with some of the leaders in Colorado. But there is something fundamentally wrong in this organization, in the fact that it teaches class hatred. It teaches the employee that the employer is his enemy, and that he must keep away from him and have nothing to do with him.

Here is a circular that was posted in Trinidad for a meeting of the United Mine Workers, or calling people to attend their meeting, in which it says [reading]:

"The discrimination of the C. F. & I. Co. against organized labor; the crimes committed against the life and liberty of the miners, their wives and children; the control of the most important political, jurisdictional, and executive offices by this corporation; the outrages against the people which must lead finally to a general degeneration, as the many crimes committed lately show, can be stopped only by the State's ownership of the mines and the control of the State, counties, and cities by the working class."

In the speeches that you have quoted from—

Commissioner LENNON (interrupting). Do you know who wrote that?

Mr. WEITZEL. I don't know; I know it calls that meeting, and announces the speakers as John McLennan, president of the Colorado State Federation of Labor; and John R. Lawson, a member of the executive board, district No. 15. I will just leave this with you as an exhibit.

(The paper offered by the witness was in printed form.)

In the speech of Mother Jones, quoted by Mr. Weinstock yesterday, as an illustration dealing with class hatred, it says: "Fellow workers—I won't say 'Ladies and gentlemen,' for ladies and gentlemen are thieves, robbers, and highwaymen." And more stuff of an incendiary nature; but I guess I won't—

Chairman WALSH (interrupting). Is that the same speech?

Mr. WEITZEL. Yes.

Chairman WALSH. Well, we have that.

(The witness submitted the address referred to, and it is printed as "Weitzel Exhibit, No. 4.")

Mr. WEITZEL. Well, that is one of the objections I have to this organization. If it were conducted and handled as some of the other labor organizations, for instance, as Brother Garretson's, and was on a high order, there might be less objection to it. But there is abundant evidence to show that this organization teaches the members that they must not communicate with the boss. Those sections, taken from the district 14 by-laws, which fine a man if he gives evidence either to the mine official or to anyone else, fining him and expelling him, is the best illustration of that.

Commissioner LENNON. Who employs the miners that are employed by the Colorado Coal & Iron Co.?

Mr. WEITZEL. The Colorado Fuel & Iron Co. The superintendent, sir.

Commissioner LENNON. They are not employed by the United Mine Workers, are they?

Mr. WEITZEL. No, sir; if they were, our accident rate would not be so low.

Commissioner LENNON. If you employ miners, who make up the people who must compose the members of the miners' organization?

Mr. WEITZEL. Who make up the people?

Commissioner LENNON. Yes; if you employ the miners—the organization of the United Mine Workers of America being an organization—who is it that fixes the standard for membership in the miners' organization?

Mr. WEITZEL. There is no standard except the ability to pay dues.

Commissioner LENNON. In other words, if they want members at all they must take such men as you employ?

Mr. WEITZEL. Yes; but what I object to is their teaching these men, the principles—

Commissioner LENNON. We will get to that in a minute. Where are these people from that compose the employees of the mines? Where was their nativity in the main?

Mr. WEITZEL. Well, a large number of them are from Europe.

Commissioner LENNON. Southeastern Europe, southern Italy, and other parts?

Mr. WEITZEL. Yes; there are a great many southern Italians and a great many northern Italians, too.

Commissioner LENNON. What are the class standards in those countries—what have those people inherited as class divisions? When they come here, what ideas do they come to this country with, as to classes and class divisions?

Mr. WEITZEL. Well, I suppose they have pronounced ideas.

Commissioner LENNON. An organization, the foundation of which is laid by you in the employment, and they being the only ones the miners can admit as members, they coming from countries where classes have existed for generations—then you complain of class distinction taught by miners.

Mr. WEITZEL. And taught by the American citizens who are the organizers and at the head of this organization; not by the men who come from Europe. They take to that teaching, probably, very readily.

Commissioner LENNON. Let me ask this, with the same membership, and it could not be different, suppose Mr. Garretson was Mr. White, would you do business with him?

Mr. WEITZEL. If he taught the right kind of principles to the men, we might consider it.

Commissioner LENNON. Are you acquainted with Mr. White?

Mr. WEITZEL. No, sir; and I do not believe Mr. White is the worst man in that organization either, by any means.

Commissioner LENNON. That is all I care to ask.

Commissioner GARRETSON. I just want to ask one question. I have been shot into this thing personally, hypodermically, a couple of times. What I want to know is this, Mr. Weitzel, taking the example you have seen here

of the principle declared by the mine owners, as the underlying principle, do you believe that you would deal with me any quicker than you would with Frank Hayes?

Mr. WEITZEL. If the literature sent out by your organization and the published statements of the position of this union were on the right line, they might deal with you.

Commissioner GARRETSON. Take my utterances as a sample of the literature.

Mr. WEITZEL. I think I would get along with you all right.

Commissioner GARRETSON. He is a good Christian.

Mr. WEITZEL. My idea of this matter of labor and capital is the observance of the golden rule, "Do unto others as you would have them do unto you." That is the principle that I—

Commissioner GARRETSON. You don't take the Chicago version, "Do him first"?

Mr. WEITZEL. No, sir. Something has been asked about the miners being compelled to deal in company stores. So far as our company is concerned, there is no rule of that kind in existence. I have always insisted that a man had a right to spend his money where he pleased. When I was down at Primero last week with your Mr. McCusker, we were driving into Primero camp, and two wagonloads of goods were being hauled into the camp by storekeepers down in Segundo. I think there are no less than 12 merchants who go up into that camp and take orders and deliver goods in all of our camps. That is the common practice. I would discharge a boss if I ever heard of him trying to compel a man to deal in the company store.

I believe the prices in the company stores compare favorably with or are somewhat less than asked in others. The way prices are fixed in the company store, the manager, the local manager, will fix them in a way and have a copy of the price list sent into the general manager's office, the man who looks after the stores, and every time there is a change made in the price of any article a new price list is printed and a copy sent to the general office. So there is no opportunity for any store manager to charge outrageous prices, if he is so disposed. But the proposition is put up to him in this way: If you can get the business of the men in this camp it must be because you treat them well, because your prices and treatment are right. There is no other basis that they can get the business on.

You asked something the other day about the number of members in the United Mine Workers of America before the strike was called, and Mr. McLennan said he did not know. I have a list of the members, and I counted them up the other day. They had 156 members in the C. F. & I. camp, in the two counties, which represented 4.3 per cent. They had a total of 1,001, which represented in the two counties a total of 12.3 per cent.

Commissioner LENNON. Did you get that list from the roster of the union?

Mr. WEITZEL. Sir?

Commissioner LENNON. Did you get that list from the roster of the union?

Mr. WEITZEL. No.

Commissioner LENNON. That is all.

Mr. WEITZEL. Something else has been said about the character of the organizers of the United Mine Workers. I hold in my hand a letter written by one of the organizers of the United Mine Workers, offering to make a deal and sell out a list of the members and organizers. Strange to say, the man is still in the employ of the organization as an organizer, although this thing has been exposed.

Commissioner WEINSTOCK. Have you the original letter there?

Mr. WEITZEL. Yes, sir.

Commissioner WEINSTOCK. Will you read it?

Mr. WEITZEL [reading]:

TRINIDAD, COLO., March 14, 1912.

Mr. J. S. THOMPSON,
Superintendent Colorado Fuel & Iron Co.
Trinidad, Colo.

DEAR SIR: We, the undersigned, wish to present for the consideration of your company the following proposition: We are in possession as organizers for the United Mine Workers of America of certain information, as to the names and addresses of other organizers and members of local unions in this southern coal field, which we are willing to impart to you for a reasonable consideration, and hereby offer to do so, together with such other useful information

which we may possess. In return we shall expect cash payment of a sum to be later determined and which we should like you to suggest.

MIKE LIVODA.
PASQUINELLI SETTIMO.

Signed in the presence of—
G. B. PARKER.
S. S. DE LAPPE.

Commissioner BALLARD. What is the date?

Mr. WEITZEL. March 14, 1912.

Commissioner WEINSTOCK. How did the letter get in your possession?

Mr. WEITZEL. I think it was written and brought in.

Commissioner WEINSTOCK. Was anything done about it afterwards?

Mr. WEITZEL. I think a letter was written and signed afterwards wanting to hurry up the proposition. There might be some question about the signature on that here. We have some orders here with his signature on when he was working at the mine to compare with his signature on his letter.

Commissioner WEINSTOCK. You say the matter was exposed?

Mr. WEITZEL. Yes.

Commissioner WEINSTOCK. How?

Mr. WEITZEL. The letter was photographed and published in the papers.

Commissioner WEINSTOCK. What action did the union take in the matter?

Mr. WEITZEL. They said—John McLennan and I talked about it, and he said it is a forgery. He said, "We are going to prosecute somebody for it." I said, "There is nothing like exposing the truth; go to it. You should prosecute anybody that would try forgery of that kind." But the prosecution never was started, and Mike was continued as an organizer.

Commissioner WEINSTOCK. What is the name of the party?

Mr. WEITZEL. Mike Livoda. I saw him in the room the other day. I don't know whether he is here this morning or not. I do not see him.

Commissioner WEINSTOCK. Has there been any other instance of graft—attempted graft or real graft—on the part of union representatives?

Mr. WEITZEL. Not to my knowledge. I want to say in conclusion, you were asking something as to the number of men that quit and went out on a strike and asked Mr. Welborn to get the figures. Do you care for those now?

Chairman WALSH. Anything you have there that I have asked for that has not been put in, or anything that might suggest itself to you, Mr. Weitzel, if it has not been covered.

Mr. WEITZEL. In September, 1913, we had 5,760 men employed in the fuel department and produced that month 273,388 tons. When the strike was called 2,613 men went out on strike. During the next month, October—I haven't made the deduction to see how many went out, but we had, well, from 5,750 take 2,613, which leaves a remainder of 3,137. In October our ranks were still further reduced to 2,538. That was the number working in October. We produced 114,713 tons. In November we had 2,186 and produced 98,895 tons. December we had 2,915 and produced 121,528 tons. In January, 1914, we had 3,383; produced 164,863. In February we had 3,643 and produced 156,594 tons. March we had 3,521 and produced 180,190 tons. In April we had 3,450 and produced 154,844. In May we had 3,140 and produced 178,367.

You will notice April production is very low for the number of men at work. That was the time we had the trouble in the southern districts.

Commissioner WEINSTOCK. What is the effect of the reduced output on the price?

Mr. WEITZEL. I have nothing to do with the sales department. I haven't any idea whether there was a change made in prices or not.

In June we had 3,141 men at work, who produced 188,529. July we had 3,331 men at work; produced 185,878 tons. In August we had 3,376 men; produced 189,619 tons. September we had 3,584 men; produced 202,432 tons. In October we employed 3,985 men; produced 211,016 tons.

By the way, I think the street fight in Walsenburg has been mentioned. Now, here is the notice that was posted on the door of the man that—

Chairman WALSH. Just read it so we can hear it. Hand it to the stenographer.

Mr. WEITZEL (reading):

"Warning Mrs. Dutch. If you don't move out of this neighborhood within 48 hours we will blow you out. Scabs can't live with white people. Your husband is scabbing. We mean business. The committee."

Chairman WALSH. Who was this lady, Mrs. Dutch? Was she a resident?

Mr. WEITZEL. She was a resident of Walsenburg, and her husband was working at the Walsen mine.

Chairman WALSH. That was put on the door of their dwelling?

Mr. WEITZEL. Yes, sir. The next day when the wagon went down to move her there was a mob surrounded the wagon; there was a noise and a fight ensued in which there were some men killed. Would you like to have this notice?

Chairman WALSH. A copy of this notice will be made and returned.

Mr. WEITZEL. And there [indicating] are some circulars with reference to the law that I forgot to give you last night. The law of 1913 required that mine foremen and fire bosses should take examinations and hold certificates. I began an educational program by appointing one of our men who is acknowledged to be the first man in the State in knowledge of mining, and especially the technical features of it, and we opened a correspondence school, sending out questions of the character that they would likely be asked at those examinations, and this man corrected the papers. These are circulars to the superintendents as to the organization of classes. We appointed our division engineers, men from his office——

Commissioner GARRETSON. Did you have a copy of the questions that were to be asked?

Mr. WEITZEL. No, sir. Of course not; the committee had not met. There were a large number of the men that responded to this invitation to take up the study, and at our meeting in Trinidad there were about 265 took the examination and a very large majority of them passed.

(The circular letters and list of questions were submitted and appear among the exhibits at the end of this title as "Weitzel Exhibit No. 5.")

I have some letters of intimidation. I don't suppose you care for them. I have thrown away almost all the stuff I had of that nature. There is nothing much——

Commissioner WEINSTOCK. I think they ought to be included in the record.

Chairman WALSH. Mr. Weinstock would like to have you read those.

Mr. WEITZEL. Addressed to Mrs. Jennie Genardi, Walsenburg, Colo. [Reads:]

DEAR SCABS This is to inform you that if you continue to be a dirty scab and be on the company's side because they let you go into their camp and sell your stuff to your friends, scabs and blacklegs, you will suffer, too, you big scab. If in five other days you continue to sell to the scabs we will blow your head up in the air. Signed by the union men, your enemies.

Commissioner WEINSTOCK. How did it get into your hands?

Mr. WEITZEL. It came to me through our superintendent. The lady brought it to him. That was written in Italian. I read the translation. The original letter is here.

(Said document is as follows:)

DECEMBER 30, 1913.

SCAB COMPANY: We have been waiting until now to see if you would come away and not scab up to the present. You have been cowards and we are now compelled to write you this letter. To-day is the 30th, and by the 4th of next month you and your company must be out of the camp, and if you are not out we have a brother G. that can go in the camp any time he pleases, and your house will be blown up in the air. Do you understand, you old-coward? If you don't understand, we will make you understand. You understand well what we have said.

We are signing you enemies.

TRABTQDMQGBDNEG.

(A second document presented reads as follows:)

You will have to pass your time. I will swear. You must be sure this is your destiny. On your first meeting with us you will be recompensated for what you are doing. Pray for us. The time is not far when this will be your bed. You will sleep eternally. Twenty-seven thousand are indorsing this. They want you dead or alive, just as you like. Surrender. Your time has arrived.

On the back there is a picture of sword and a pistol.

Commissioner LENNON. Do you charge that to the union?

Mr. WEITZEL. No. A large number of our men have received letters threatening them with death, or they have said, "We will get you or some of your friends. It may not be this year, or next year, or the year following, but we will surely get you."

These men sometimes brought the letters to the superintendent and read them and then would tear them up. The letters would say, "If you tell this to anyone you will be killed, or show it to anyone." Some of them would bring the letter in and read it. There was a large number of those. I had a number, but they have been destroyed. Some of them are very vulgar.

Chairman WALSH. Have you read all of them?

Mr. WEITZEL. I believe I have read all of the letters I have; yes, sir.

Mr. Brewster said a good many things that could be commented on. One thing he criticized was the heading of the circular sent out by the operators, "The struggle for industrial freedom, as they say it was a misnomer. I think that is exactly what this strike has been. And I believe that in time, as people learn the truth, the coal operators of Colorado will certainly be subject to less criticism than they are now. When the people of the country realize that 50 per cent of the tonnage is now under the union domination, and that the Colorado operators represent only 2 per cent of the tonnage produced in the United States, and that we have had the courage to resist the culmination of this gigantic labor trust, which had for its object the complete control of the labor producing a commodity that is essential to the operation of almost every industry, certainly to the well-being of every citizen; that if their object is ever accomplished, that the power will lie in the hands of one or two men to completely tie up all the railroads and the industries and affect the lives and you might say the well-being of every citizen in the Union; when they realize this, they will have at least much less unfavorable criticism of the Colorado operators.

Commissioner GARRETSON. Is it better, Mr. Weitzel, in your opinion, that the control should lie in the hands of one or two labor leaders than in the hands of one or two coal operators?

Mr. WEITZEL. It is not any better either way; it should not be.

Commissioner GARRETSON. Do you know a paper called the Public?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Have you seen a communication under date of November 17 published in the Public, directed to Mr. Welborn?

Mr. WEITZEL. No.

Commissioner GARRETSON. It is on this matter you have just testified on, industrial freedom, what you stand for. After saying certain things—it is signed "Celia Baldwin Whitehead," presumably responsible. It says this as the closing matter: "Awaiting your answer, I will hazard a guess. You mean that you want every man free to take any job you offer him, on such terms as you see fit, without any dictation from a labor union. Honestly, now, isn't that what you mean when you talk of a man's right to work?"

Mr. WEITZEL. Well, a man, of course, if we have work for a man and he wants to work for us, he is at liberty to take the job, if that is what it means.

Commissioner GARRETSON. Ah! Is there any choice or election—

Mr. WEITZEL. Sure, there is.

Commissioner GARRETSON (continuing). On an empty stomach?

Mr. WEITZEL. I say there is a choice or election.

Commissioner GARRETSON. Were you ever a Methodist?

Mr. WEITZEL. No; I am a Presbyterian.

Commissioner GARRETSON. Well, that is worse, in some ways. But you have never learned of the doctrine of free moral agency taught by the Methodist Church?

Mr. WEITZEL. Oh, yes.

Commissioner GARRETSON. Where a man has the right to accept salvation?

Mr. WEITZEL. Yes, sir.

Commissioner GARRETSON. That is free moral choice, as the church says, but if he don't accept it he will be damned?

Mr. WEITZEL. Yes.

Commissioner GARRETSON. There is as much free moral agency in this election as in the church, isn't there?

Mr. WEITZEL. I would say this about the church and the free moral agency. The union, any union, has no more right to say, because they claim certain benefits, that every man in their craft shall belong to their union than the people of the church have a right to say that everybody, that the whole world, everybody in the world, must join the church.

Commissioner GARRETSON. Is there a church in existence that has ever taught anything else but that a man must accept its basic tenets or beliefs or suffer eternal condemnation?

Mr. WEITZEL. I think there is not a church but what teaches that.

Commissioner GARRETSON. Then the union and the church put up the same thing.

Mr. WEITZEL. I say this: The church does not compel you to contribute. If you contribute—you can contribute, become a member of the church voluntarily. There is none of us that will deny that our present civilization, the many good things we enjoy, are due to Christianity, due to the teachings of Jesus Christ, the doctrines taught by Jesus Christ and His followers. The preaching of His Gospel is the thing that has done the most for this world, but yet it is just as sensible for the Christian people to say "You must join the church and contribute," and for that reason, as it is for the union man to say "You must join our union." I am sure you would not say it was right to be asked and compelled to join the church and contribute to it, if you didn't want to.

Commissioner GARRETSON. Do you know anything—

Mr. WEITZEL. Know anything?

Commissioner GARRETSON. About one thing—I will admit there are several things you know—do you know anything about the severance of the pastoral relations?

Mr. WEITZEL. Yes.

Commissioner GARRETSON. Between Ferris, of the Episcopal Church in Trinidad, on account of his activities in going to Ludlow after the trouble there?

Mr. WEITZEL. I never heard of Mr. Ferris before, Mr. Garretson.

Commissioner GARRETSON. Do you know of any trouble in the Congregational Church there over the same thing?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Because those two pastors went to Ludlow?

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Never heard of that.

Mr. WEITZEL. No, sir.

Commissioner GARRETSON. Very well.

Mr. WEITZEL. In further support of my contention that the officers of this union teach the things that they should not teach and advocate the things that are wrong, I have the sworn statement here as follows [reading]:

"I, Leo J. Kahn, hereby certify that I was present at a meeting of the United Mine Workers' organizers held in the Packer Building, Trinidad, Colo., on or about July 25, 1913, and heard an address made by a man introduced to me as Mr. Wallace, editor of the United Mine Workers' Journal. During Mr. Wallace's address that evening he told the organizers to tell the men to arm themselves with the best rifles money would buy, get up on the hills and not be a damned bit particular who they picked off. The following morning in conversation with Wallace he told me that the methods advised by him the night before was the only way to do it."

(The document referred to is printed as "Weitzel Exhibit No. 6.")

Mr. WEITZEL (continuing). He is the editor of the United Mine Workers' paper in America. I believe I will offer this United Mine Workers' Journal showing a miner with a pick on one shoulder and a gun in the other hand and "What shall he drop, the gun or the pick?"

Chairman WALSH. Was there any part of that that you wanted to read to the commission, Mr. Weitzel?

Mr. WEITZEL. No, sir.

Chairman WALSH. All right, just turn it over to the stenographer then.

Mr. WEITZEL. I believe there is an article in here by you, Mr. Walsh, or something you said—some speech you made somewhere.

Chairman WALSH. Well, is it something you wanted to introduce?

Mr. WEITZEL. No; just to show the cartoon.

Chairman WALSH. What did you mean by the suggestion that there is an article—is it something you take exceptions to—

Mr. WEITZEL (interrupting). No, sir; no, sir.

Chairman WALSH. If there is, I am perfectly willing it should be read.

(The copy of the newspaper was submitted by the witness.)

Mr. WEITZEL. In the statements of production that I read I included only October, 1914. In November, 1914, we produced 189,335 tons. During that

month our mines in the Trinidad district were idle from one to eight days each, and we could have produced 28,254 tons more at the same rate of production if we had had steady work. We also dumped on the ground during that month, because we had no market in the Walsenburg district, 10,516 tons of coal.

(The statement referred to is printed as "Weitzel Exhibit No. 7.")

One other thing, and I think I am through. I have made a statement, or it has been made, that the United Mine Workers condone violence. In November of last year George Belcher was assassinated—shot to death on the public street corner in Trinidad. His assassin was arrested and in a confession within a day or two afterwards, he said that he had been promised \$1,000 to commit this crime by A. B. McGary, a national organizer, and a man by the name of Carter; I don't know what his business is; but A. B. McGary is well known as a national organizer of the United Mine Workers. A. B. McGary has disappeared. I talked to the man who drove him out of town, and he said he told him to drive him below Trinidad in an automobile, and when they got down there he forced him to drive him on down into Kansas. This was the night following the assassination of Belcher. He drove him to Garden City, I believe. He has since been a fugitive from justice. Now, in the report of Mr. William Green, international secretary-treasurer of the United Mine Workers of America, December 1, 1913, to May 31, 1914, all of which period is after McGary is alleged to have hired this man to commit murder, McGary is shown on their pay roll, and that he drew \$727.89 for that period.

(The witness here offered in evidence the report referred to, calling special attention to page 45. The report was submitted in printed form.)

I have here a number of clippings from the Free Press, a United Mine Workers' paper in Trinidad.

Chairman WALSH. Do you desire to read some of them?

Mr. WEITZEL. No; I desire to give them to you, and I ask you to summon the editor. They are marked with pencil—a number of libelous and false statements.

Chairman WALSH. What is the name of this editor?

Mr. WEITZEL. Adams. I have only clipped the editorials.

Chairman WALSH. Very good. If we have time, we will summon him, unless he has already been summoned.

Mr. WEITZEL. These are papers and editorials attacking the governor and other State officials and making false statements as to conditions.

(The papers and clippings so offered were all in printed form.)

I guess that is all.

Chairman WALSH. Some gentleman I noticed had a picture there which he evidently wanted to call your attention to.

(A framed photograph several feet long was here handed to the witness.)

Mr. WEITZEL. That is a picture of our first-aid teams, taken at the contest at Trinidad in 1912. That was the miners' day for the county, and most of the people from the mines came in. All of the teams except the one not in uniform are Colorado Fuel & Iron Co. teams, and the team that is not uniformed is the one that won the first prize and comes from the Victor-American Fuel Co.

Chairman WALSH. Have you got that on a reduced scale?

Mr. WEITZEL. No, I haven't, on a reduced scale.

Chairman WALSH. I would like to get it and put it in the record.

Mr. WEITZEL. I will have one made for you, though.

Chairman WALSH. Yes; it could be kodaked, or give us a copy without the frame and we will put it in the record.

(The photograph referred to was submitted.)

One moment, Mr. Weitzel. Some of the commissioners may wish to ask you something.

Mr. WEITZEL. Oh, pardon me.

Commissioner BALLARD. Just one question; that is, the question of check-weighman once more. As I understand it, the scales where the coal is weighed are outside of the mine, near to what you call the tippie?

Mr. WEITZEL. Yes, sir; on the tippie.

Commissioner BALLARD. Does the man who weighs that coal know whose coal he is weighing?

Mr. WEITZEL. Yes.

Commissioner BALLARD. Would it be possible to have that done by number, so that the weighmaster would not know?

Mr. WEITZEL. He does not know which it is when he is weighing. The weighmaster stands in the office, and the car is brought on the scales and he

gets the weight, and then the car is dumped, and there is a numbered brass check with a number stamped on it that hangs on a hook inside the car, and after it is once weighed this check is handed in to the weighmaster, and the weight is credited to that number.

Commissioner BALLARD. I understand that the appointment of a checkweighman is not made for the benefit of the mine operators, but for the men; that the weighmaster may transfer the weight to some other friend or person in the employ of the company?

Mr. WEITZEL. Yes, sir; if he knew the check number of a friend, he could do that very easily.

Commissioner BALLARD. And that is why they want a checkweighman to prevent that?

Mr. WEITZEL. Yes, sir. That is all, Mr. Chairman.

Chairman WALSH. Anything else? That seems to be all, Mr. Weitzel.

Mr. WEITZEL. I mentioned the C. F. & I. rescue car. Mr. Gove has just called my attention to the fact that the Victor-American also have a car equipped with rescue apparatus and used for training.

Chairman WALSH. Similar to this?

Mr. WEITZEL. Yes, sir. We have two of them now, although one of them contains fans and motors. Very often it happens at a mine explosion that the ventilation apparatus is destroyed. We built this second car a few years after the other and equipped it with all manner of tools, piping, and hose and put into it a fan that is portable and with motors that will operate on different voltages and with different characteristics of current, so now we are prepared to hook onto any power that is used anywhere in the State. And, of course, our car is at the service of anyone that is in trouble, and we have always taken it, and always do take it, wherever an accident happens, regardless of whose property it is, and we keep a man continuously on the car. It is connected with telephones, and we have an arrangement with the railroad in case of right of way is asked and an engine; that car is to be given right of way over all other trains.

Chairman WALSH. Anything else?

Mr. WEITZEL. No, sir.

Chairman WALSH. Thank you. That is all, Mr. Weitzel.

Rev. James McDonald.

TESTIMONY OF REV. JAMES McDONALD.

Chairman WALSH. Take that chair, please, Mr. McDonald.

Rev. JAMES McDONALD. Thank you.

Commissioner WEINSTOCK. Will you give your name and profession to the reporter?

Rev. JAMES McDONALD. James McDonald, Aguilar, Methodist preacher.

Commissioner WEINSTOCK. How long have you lived in the strike-zone district?

Rev. JAMES McDONALD. I went down there December four years ago—this month four years ago.

Commissioner WEINSTOCK. You were connected with the Methodist Church?

Rev. JAMES McDONALD. Yes, sir; north. Northern Methodist Church—the Methodist Episcopal Church.

Commissioner WEINSTOCK. When did you leave the zone district?

Rev. JAMES McDONALD. I am still living there.

Commissioner WEINSTOCK. Still residing there?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. What was your experience in the district before you became a minister?

Rev. JAMES McDONALD. I may say that in coming to Denver four years ago, I was sent down to the Hastings district by W. J. Murray, vice president of the Victor-American, to work as a mechanic, moving boilers from Delagua to Hastings.

Commissioner WEINSTOCK. In what camps or towns have you been a minister?

Rev. JAMES McDONALD. My first charge was Hastings, Delagua, and Barnes, which includes Ludlow.

Commissioner WEINSTOCK. And after that?

Rev. JAMES McDONALD. Aguilar and Hastings and Delagua until the strike, and since that time Curtis and Augusta.

Commissioner WEINSTOCK. What were your personal observations preceding the strike as to conditions in the camp as to freedom of speech and assembly, for example?

Rev. JAMES McDONALD. Well, sir, the first evening I was introduced by the superintendent, who was a Scotchman like myself, Cameron, to another old Scotchman who kept or cleaned the lamps, and we took a walk, and he asked me if in Scotland I had been identified with any trade-union. I said, yes; that I had been a member of the United Engine Keepers of Scotland. "Well," he said, "I will give you a bit of friendly advice. Never tell anyone here that you have ever been identified with any organization—workmen's organization." I said, "Why?" "For the reason that some men here have already given up their life for it, and so may you if you do not keep quiet in that matter."

Commissioner WEINSTOCK. Who was this party that gave you this advice?

Rev. JAMES McDONALD. I just forget his name. He at that time, four years ago, was the man who was responsible for the lamps—the lamp station of the Hastings mine.

Commissioner WEINSTOCK. Was he a unionist?

Rev. JAMES McDONALD. Well, I never inquired as to that at all. I don't expect that he was; at any rate I never inquired.

Commissioner WEINSTOCK. Did you follow his advice?

Rev. JAMES McDONALD. As long as I resided in that district.

Commissioner WEINSTOCK. That is, you told no one that you had ever been a union man?

Rev. JAMES McDONALD. Well, I don't know that—for instance, the boss mechanic under whom I was working was well acquainted with the fact that I was a union man.

Commissioner WEINSTOCK. What did you find to be the conditions as to the social, political, educational, economic, and moral affairs?

Rev. JAMES McDONALD. Well, I believe, sir, that the conduct of the strike has had the tendency for to take the minds of the people of Colorado away from what has been the real cause.

Commissioner WEINSTOCK. That does not answer my question exactly. The question was what did you find at that time or during the time you were in the camps to be the social conditions, the political conditions, the educational conditions, the economic conditions, and the moral conditions?

Rev. JAMES McDONALD. I was just coming to that.

Commissioner WEINSTOCK. Oh, I thought you had finished your answer.

Rev. JAMES McDONALD. No. I was saying that the conduct has taken the minds of the people away from what has been the real cause, and I believe the cause can be included in all these things—that they had all these grievances.

Commissioner WEINSTOCK. What was the cause?

Rev. JAMES McDONALD. Well, I believe that the people there had a desire for freedom—freedom of speech—freedom to meet just when and how they pleased. I think it would be better possibly if I gave you my own personal experience in that matter. I found that in the Hastings camp there is what they call a town hall—a hall which 10 years ago had been built by the fraternities, I think it was the Knights of Pythias, and that since that time it has been taken over, or rather at that time it had been taken over by the Victor-American Fuel Co. There were no fraternities allowed to meet in that camp at all. And when I went there I found that this was the place which had been given for church services. The ladies themselves had to clean, reseat, and do everything necessary. The operator, the Victor-American Fuel Co., did nothing toward making the place comfortable for the people. The people themselves had to purchase the seats, do all the cleaning, and all the repairs.

After I had been in charge there for some time there was an exception taken by the superintendent to the fact that there was a little choir of 30 to 50 children I was training in the evenings in singing, because I found that was one of the things that was entirely neglected in their schools; and the little folks had to pass from one door right to the other end of the hall, and in passing the superintendent claimed that they made so much noise that they disturbed the Italian boarders, who were living in the boarding house directly under the hall. I should have explained that this building is a three-story building; the bottom part is the town jail; the second was an Italian boarding house, and the third story was the town hall. He made conditions then that we would not be allowed to meet with the children in the hall—

Chairman WALSH. Where was that?

Rev. JAMES McDONALD. Hastings—at any time during the week. He also made it compulsory that we should not have any social evenings with our

ladies' aid or other organizations of the church. When we approached him in the matter he told us that if we wanted a hall we could go to the hall that was used by other people, which was the one adjacent to the saloon—in the saloon building—only a door separating the hall from the bar. I then asked him if we could not have the use of the schoolroom for the training of the children. This also was refused, and the reason given that the children's books would be disturbed. Moreover, at the same time our people were given to understand by those who were in charge in that camp that if they did not stop attending church services they were to be fired—their husbands were to be fired—were to be put out of the camp. And I regret to say that while it is impossible for one just to give exact instances or prove the contention, nevertheless, it is a fact that our best—that the ladies who were our best workers in our church at Hastings, that their husbands were fired and no cause given for firing them.

Commissioner WEINSTOCK. What was the religion of the man who took this attitude toward you?

Rev. JAMES McDONALD. I could not say, sir. I suppose he would be a Presbyterian.

Commissioner LENNON. A mighty poor one.

Commissioner WEINSTOCK. From personal observations, Mr. McDonald, what do you know as to the feeling of the men in the camps toward the United Mine Workers, as to whether or not they willingly went on the strike?

Rev. JAMES McDONALD. I am thoroughly satisfied, sir, that the men were ready when the strike came to go out on the strike. That is to say, more than two-thirds were. I am satisfied that the evidence I have heard along these lines here these last few days is absolutely incorrect. Take our own district where I resided, Aguilar—the mines there, the Green Canyon, the Empire, the Royal, the Western, and the Jewel, were all closed down right away. The Jewel has never resumed work. The Western has gone on with a few men, and the Green Canyon just the same until the acute trouble we had in the Aguilar district.

Commissioner WEINSTOCK. Were you present this morning when Mr. Weitzel testified?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. Do you remember that he read some figures to the commission saying that about 12 per cent only of the men employed in certain mines were unionists?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. Are you in a position to controvert that statement successfully?

Rev. JAMES McDONALD. No, sir; I couldn't do that; couldn't do that. I would rather believe, from my own inquiries and coming in contact with these men; that is, the striking miners; I would rather believe that there might be some truth to that; that most of the striking miners just joined the United Mine Workers perhaps a short time previous to the strike, or perhaps when the strike was called.

Commissioner WEINSTOCK. What has been your personal experience as a minister as to the management of coal camps? Have you been free, for example, to prosecute your church work?

Rev. JAMES McDONALD. No, sir.

Commissioner WEINSTOCK. In what way were you hindered?

Rev. JAMES McDONALD. I have given one instance.

Commissioner WEINSTOCK. Now, whom do you hold responsible in that instance?

Rev. JAMES McDONALD. Well, I was just coming to give the rest of the story along these lines. I might say that this spirit that was felt, and more especially when the boss mechanic and engineer and some others were fired, whose wives were identified with our church work—that the other people who were directly under the superintendent stopped coming to our services. I may say the fact is that when I took up that work that I had been working with the men, and did work with them for 12 months, along with that, that when I took hold of the services—

Commissioner WEINSTOCK. When you say that you worked with them, you mean as a miner?

Rev. JAMES McDONALD. Not as a miner, sir, but as mechanic.

Commissioner WEINSTOCK. As mechanic?

Rev. JAMES McDONALD. Yes, sir; and worked around there; and the boys crowded out to the church in the evening, and we had always the building

filled. They would be sitting around—there wouldn't be seats enough and they would be sitting around as you have seen miners do, I suppose. They sat right around the sides of the building. But when this opposition started to our work from the superintendent and his family the miners were afraid then to come out lest they themselves would have to "go down the canyon," as they term it. And we had only the store people and the railway people—the C. & S. E. Railway runs through into Hastings and is owned, I suppose, by the Victor-American Co.—attending church. They were very regular—always there. And even they themselves were persecuted as far as it was possible to do so because of the stand they had taken. For instance, I think it was one Easter, that we had an arrangement made whereby the C. & S. E. was going to run the caboose from Hastings with our people to Delagua, so that we might have a combined service there, and the superintendent of the mine, as I understand, had wired into Denver here to the head officials to the effect that this train was run, taking exception to it, and trying to get the superintendent of the railway in trouble because of his helping out the church in this way.

When we heard of this opposition and the fact that we were not allowed to meet for social evenings or to carry on our choir work with the juniors and the grown people, we had a meeting for all the people interested and we agreed that we would build a little church in Hastings so that we could be entirely independent of the Victor-American people. We made inquiry as to what conditions a lease would be granted and we found that the first condition that was attached to the lease was this: That the building was to be completed before a lease would be granted at all. Meantime our workers had gone around the little coal town of Hastings and we had been promised donations that would have covered the little building that we had proposed to erect. We had all the plans and everything made, but I thought it would be very unfair; in fact, it would be very injudicious to take these working people's money—some giving as high as \$25 and possibly they might not be in the camp another week. They had no security for their jobs at all, and I thought it would be very unfair to take these people's money and put it into a church under conditions which we knew nothing about. So we made inquiry again from Mr. Murray as to what the conditions of the lease would be, and it was this: First, that a 99-year lease was to be granted; secondly, the superintendent was to have the supervision; third—and this one we most objected to—that if during any consecutive six months services were discontinued in that church the building would revert to the company; fourth condition, that no money was to be asked; nothing in the way of financial aid was to be asked from the company, either for the support of the minister or for the raising of the building. Our people, considering the matter, thought it unwise to go on with the building, and so that work in Hastings had to be entirely dropped. I may say, gentlemen, that I understand that some years previous the Presbyterians had been in that same camp and found the same trouble and had to leave for almost identically the same reasons as the Methodists had to give up the work there.

Commissioner WEINSTOCK. Are we to understand, Mr. McDonald, that you were working as a mechanic and preaching at the same time?

Rev. JAMES McDONALD. Yes, sir; for part of the time. I may say that I started to work in December four years ago. If I am right, I worked until November of the following year in the moving of the boilers from Delagua to Hastings and the raising of the boilers at Hastings and general mechanic work around them.

Commissioner WEINSTOCK. Now, these mines at Hastings belonged to the Victor-American Co.?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. During the time that you were working as a mechanic, Mr. McDonald, did you make any attempt to organize the men or encourage them to join the union?

Rev. JAMES McDONALD. No, sir; I never spoke to them along these lines at all. In fact, I felt it was dangerous or would be objectionable. It would be unfair for me to take advantage in that way.

Commissioner WEINSTOCK. Now, what was the motive which caused the mine officials to hinder you in your work? There must have been some motive. Now, what do you think was the cause or purpose?

Rev. JAMES McDONALD. Well, I think from my observation I would be giving a correct idea if I say that it seems to me it is the desire of these operators to keep people in ignorance. We know the church has always been an educating force, and they were afraid of this force being given the men.

Commissioner WEINSTOCK. You heard the testimony of Mr. Weitzel, who preceded you?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. And you heard him talk of the methods of the company pursued in trying to educate and train their people through correspondence schools and church services?

Rev. JAMES McDONALD. Yes.

Commissioner WEINSTOCK. How do you reconcile those statements?

Rev. JAMES McDONALD. He is speaking of the C. F. I. camps. I speak of the Victor-American.

Commissioner WEINSTOCK. You believe then that the policy of the two companies differs?

Rev. JAMES McDONALD. To some extent.

Commissioner WEINSTOCK. That one company endeavors to educate its people and the other to keep its people in ignorance?

Rev. JAMES McDONALD. Not altogether. I think that while the C. F. I. is making an endeavor along these lines, that they do not go far enough.

Commissioner WEINSTOCK. That they do not go far enough, you say?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. In other words, their methods are efficient, but not sufficient?

Rev. JAMES McDONALD. Well.

Commissioner WEINSTOCK. How much further should they go, in your judgment?

Rev. JAMES McDONALD. Well, I believe—of course, I can not speak of the C. F. I. camps as I can of the Victor-American; but I think, for example, exception is taken to these uneducated foreigners. Now, I believe if these operators were to take and train these foreigners, first of all, in the English language, civil law, civil government, and then give them the training along the lines of the science of mining, and give the foreigners themselves the same possibilities that the English-speaking men have of rising to positions with the company, that something could be done.

Commissioner WEINSTOCK. The Hastings camp is under the control altogether of the Victor-American Mining Co.?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. What educational facilities, if any, does the Victor-American Co. offer?

Rev. JAMES McDONALD. Well, sir, in the first place I don't know just—I can't speak for the last year as to the conditions of the Hastings school; but I speak of a year ago. I was at the closing exercises a year ago, and I want to say and put it on record that I do not think that that was a building that is comfortable at all. The teachers complained very much. It was dilapidated, and was not at all where children's training could have its best advantages.

Then, moreover, four years ago when I went there, I found—I have three children who attended the Hastings school—two children who attended the Hastings school. Four years ago I found that there was a staff of four teachers there and the next year with approximately the same number of scholars, there were three, and the following year it was reduced to two, and visiting that school as I did frequently, I found that one of the teachers in the primary there, who is training children—I would say children 90 per cent of whom are unable to speak one word of English—and in that room there were 100 children for that one teacher; and she told me—

Commissioner WEINSTOCK (interrupting). An ungraded school?

Rev. JAMES McDONALD. Yes, sir; this room was ungraded; and she told me, I think, that there were something like 120 on the roll. And every little bench was seated with two and three. It was overcrowded entirely, and she could hardly get walking room around there. You can understand just what the situation was when the year previous there had been three teachers for what must have been the same number of scholars, and the year before that four teachers.

Commissioner WEINSTOCK. Who paid the salaries of the teachers there?

Rev. JAMES McDONALD. The school board, as I understand it.

Commissioner WEINSTOCK. Did the miners contribute anything to the school fund, or were they taxed in any way, or was the burden entirely on the company?

Rev. JAMES McDONALD. No; as I understand it, the only tax in these coal camps is what is called the poll tax.

Commissioner WEINSTOCK. The miners paid no taxes?

Rev. JAMES McDONALD. Except what is called the poll tax.

Commissioner WEINSTOCK. Then the burden for this was entirely on the mine owners?

Rev. JAMES McDONALD. Mine owners and railways and property owners.

Commissioner WEINSTOCK. What can you state from first-hand knowledge, Mr. McDonald, as to which side was responsible for the first acts of violence?

Rev. JAMES McDONALD. Well, I believe, sir, that would be very hard to determine, in this way: Suppose to-day that you and I had a little difference, and I then heard that you had gone down town and bought yourself a revolver and some ammunition. The most natural thing for me to think would be that you had bought that revolver and ammunition for the purpose of doing me some injury; and the natural man would arm himself. It would just be natural for me also to go and get arms, and perhaps we might meet in the street and I would just think you were looking at me wrong, and our guns would be whipped out and we would be firing at the head of each other. I think that was the situation down there.

Commissioner WEINSTOCK. That is, you would be inclined, at least, to hold morally responsible the side that first took steps to prepare for war?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. Did you hear the testimony of, I think it was Prof. Brewster, when he was here yesterday and testified?

Rev. JAMES McDONALD. Yes, sir.

Commissioner WEINSTOCK. I am not altogether sure that it was Prof. Brewster, but facts were brought out in the testimony yesterday that as shown by the report of the congressional investigation the miners bought arms on September 12, that the Trinidad convention took place on September 15, that the strike was declared on September 23. I think, according to the testimony of Mr. Welborn, the company had made no preparations—that they were still living under their normal conditions—no guards had been brought into the mines. Now, if those are the facts, would it not indicate that the strikers had been the first to make preparations for that war?

Rev. JAMES McDONALD. Yes, sir; it would give that indication, but it is not the facts.

Commissioner WEINSTOCK. What are the facts, as you know them?

Rev. JAMES McDONALD. In July, August, and September, 1912—that is, the year before the strike was called—there was quite a talk of strike. At that time I was holding services at Hastings. (One of the services are held in the afternoon and the other in the evening—I was holding services at Hastings and Delagua. Sometimes it was necessary for me to walk to Delagua in the evening. On coming down from there I met, frequently, armed guards who stopped me between Hastings and Delagua; that must have been a year previous to the strike. I, myself, met them and talked to them previous to the strike. Moreover, while in the employment of the Victor-American, I heard a conversation of how there were so many guns from the last strike, the last struggle, had been buried under the floor of the Victor-American office in Hastings, and how some of them had been stolen when they went to get them.

Commissioner WEINSTOCK. When did the strike talk first begin among the men, so far as you know?

Rev. JAMES McDONALD. I believe that there has been a fear on the part of the operators since I first came of a strike; that there was going to be a strike.

Commissioner WEINSTOCK. When did you first hear it agitated among the men?

Rev. JAMES McDONALD. There was no visible agitation at all among the men. That is to say, I have seen crowds of these men going toward Ludlow on the Sabbath, and on making inquiry as to why they went down there they would tell me that there was going to be a miners' meeting, but in the camps there was no visible evidence of any agitation. If there had been, these men would have been put out of the camp at once.

Commissioner WEINSTOCK. Did you attend any of those miners' meetings?

Rev. JAMES McDONALD. No, sir.

Commissioner WEINSTOCK. Did you hear any discussion as to what took place afterwards?

Rev. JAMES McDONALD. No, sir. I made no inquiry, except that my curiosity was aroused to know why it was that on the Sabbath there were so many men going in twos and threes and fours down toward Ludlow.

Commissioner WEINSTOCK. At what period in your career did you give up your work as machinist and devote yourself to your religious duties?

Rev. JAMES McDONALD. I must have taken up the religious duties in July.

Commissioner WEINSTOCK. July, 1913?

Rev. JAMES McDONALD. 1911, I think it was, and I worked until November.

Commissioner WEINSTOCK. 1911?

Rev. JAMES McDONALD. Yes, sir; then in December I devoted my entire time to church work. Then, at the end of December, some people there thought that there would be a better result if I still kept at work. The district superintendent came down and desired me to take the examination for the vacant ministry.

Commissioner WEINSTOCK. Before that you had been a lay preacher, I suppose?

Rev. JAMES McDONALD. Yes; and did mine work while I was working for the Victor-American, and I would sit up until 1 or 2 o'clock in the morning, and just get a few hours' sleep, especially as I did visitation in the evening on the sick at Hastings and other camps.

Commissioner WEINSTOCK. How large a congregation did you have?

Rev. JAMES McDONALD. I should have said that at the end of December there was a division among the people. Some thought it would be better if I continued working, and Dr. Mayo and the trustees and board of stewards advised me not to, that I was overstraining myself and was overdoing it; but desiring to help these people in the best way, I began work again and ran the engine of the power station at Hastings in January, February, and March of the following year.

Commissioner WEINSTOCK. How large a congregation did you have?

Rev. JAMES McDONALD. At that time there must have been from 80 to 100.

Commissioner WEINSTOCK. From what ranks did they come, the membership?

Rev. JAMES McDONALD. You could not say "membership"; there would be perhaps only 7 or possibly 10 members down in that district. You mean what nationality?

Commissioner WEINSTOCK. What nationality on the one hand, and what were their occupations generally?

Rev. JAMES McDONALD. Oh, the miners, and the miners' wives, mechanics, and storekeepers, and the railway people. The railway people I found to be the best people.

Commissioner WEINSTOCK. Not many of the foreign element attended your services?

Rev. JAMES McDONALD. Oh, yes; that is one of the strong features of my work down there; take my church at the present time, and there are Mexicans, Slavs, French, and Germans; I think we have almost all nationalities represented in our church and Sabbath school.

Commissioner LENNON. Do they all understand Scotch?

Rev. JAMES McDONALD. They are coming to understand it; I believe it is quite difficult, as I think, some here to-day will admit, to understand the Scotch brogue; but if you will listen a little while I am sure you will get it.

Commissioner WEINSTOCK. What was your experience with mine guards and later with the militia?

Rev. JAMES McDONALD. I have referred to the fact of meeting mine guards and of having conversations with them a year previous to the strike.

Commissioner WEINSTOCK. About how many mine guards, a year previous to the strike, were employed around Hastings?

Rev. JAMES McDONALD. One in my position could not get at these facts.

Commissioner WEINSTOCK. Give us some approximate idea. If there were very few employed, you would have noticed it; and if there were a large number employed, you would have noticed it. I take it that there must have been more than 1 guard and less than 1,000.

Rev. JAMES McDONALD. Oh, yes.

Commissioner WEINSTOCK. Well, about how many?

Rev. JAMES McDONALD. When the strike question was acute, there were more.

Commissioner WEINSTOCK. I mean the year before the strike?

Rev. JAMES McDONALD. I am speaking of that. They really expected a year previous to the strike that the strike would be called, and the time when the question was most acute they had a larger number of guards, and it gradually decreased—the number gradually decreased.

Commissioner WEINSTOCK. Could you identify a guard from a miner? Did they wear a uniform? Was there a way to distinguish them?

Rev. JAMES McDONALD. No; but, as I say, I had conversations with them and they told me what they were doing and their business.

Commissioner WEINSTOCK. Approximately how many men do you think were employed by the company as guards at that time when they had the most in their service, the year before the strike? What would be the maximum number?

Rev. JAMES McDONALD. I believe in the Hastings camp there might have been 10.

Commissioner WEINSTOCK. And what would you say would be the minimum number at that camp?

Rev. JAMES McDONALD. Five; say from 5 to 10; I think that would be a fair estimate of the number.

Commissioner WEINSTOCK. What was your experience with the militia?

Rev. JAMES McDONALD. I have not finished with the guards.

Commissioner WEINSTOCK. Your long pauses always lead me to believe that you have finished.

Rev. JAMES McDONALD. I may say that in the Aguilar district—I was residing in that district when the strike was called, and there was one family there, the Waddell family, that I visited, some of them superintendents. I visited the union and nonunion men alike, and I had supper with mine guards at the home of Waddell, a superintendent, and I believe that, so far as these mine guards are concerned, they were attending strictly to their own business. There were some of them that had a little boasting tongue, but the others, I believe, were good boys, boys that attended strictly to their own business, which was looking after the mine. I do not know that I ever saw them doing anything else.

Commissioner WEINSTOCK. What about the militia? Were you talking about the militia just now?

Rev. JAMES McDONALD. No, sir; about the mine guards.

Commissioner WEINSTOCK. What about the militia?

Rev. JAMES McDONALD. When the militia came into the field, the company that was sent into Aguilar was a company from Fowler, and I found that these boys were, a large percentage of them, good Christian boys that attended church regularly and behaved themselves just splendidly; but unfortunately there was another element introduced into the militia before they were called off of the field, and there were some very disagreeable things happened in and around our little town and in our vicinity.

Commissioner WEINSTOCK. Things that happened under your personal notice?

Rev. JAMES McDONALD. Yes, sir. For instance, there was one evening we had arranged, at the home of one of our members, to practice our special music for the Sunday evening service. A brother of mine who was going down there—I think a year ago this month, after the big snow, and the sidewalks were clear, and there must have been still 3 or 4 feet of snow out from the sidewalk. We had gone about two blocks when a man came running from the main street with his rifle. My brother and myself were going single file; I was leading; and the man yelled just like an insane man. I could not understand what he wanted, but my brother, he stopped. I went on. This fellow I heard cursing and blaspheming, and he had his rifle up at my brother's breast, and in his excited condition his hand was trembling on the rifle. And I came back and asked him what the trouble was, and he cursed me something awful; and I said, "I am the Methodist minister, and we are going down to have some music"; and he said, "If you are the Methodist minister you are going to have a funeral to preach before morning."

Commissioner WEINSTOCK. Who was he? What was he?

Rev. JAMES McDONALD. I went to the home where we were going to have this practice, and I phoned up to Maj. Hamrock, who was in camp. I told him of the incident, and that we could not practice, we were so unstrung.

Commissioner WEINSTOCK. This was a militiaman?

Rev. JAMES McDONALD. Yes, sir; and I talked the matter over with Maj. Hamrock. I did not follow the man, as he was going up the street. I don't know that anything was done about him at all.

In the streets of Aguilar we saw some of these militiamen with these fallen women conducting themselves in an unbecoming way on the open street. The guard was called down. This was under my own observation, also. Guards were called down, and these women, when the guards went to arrest the militiamen, would throw their arms around them and would not allow them to do so. There was a crowd gathered at each of the corners looking on at the incident.

And some of these guards who had been sent down to arrest the men were angry at these people looking on, seeing this incident that was happening. One of them threw off his coat and rolled up his shirt sleeves and went, with his bayonet fixed, running at some of these people that I seen, running them almost right off the footpath into the gutter. Then he went down the street almost a block, and everyone, even who had not been seeing the incident or doing anything at all—he used them brutally there.

Commissioner WEINSTOCK. Was he sober?

Rev. JAMES McDONALD. Judge West and myself stood at the corner of the bank and saw the whole incident.

Commissioner WEINSTOCK. Was he sober?

Rev. JAMES McDONALD. I take it to be that he was.

Commissioner WEINSTOCK. What was your personal observation as to the conduct of the strikers and other inhabitants of the tent colony as regards the discipline and morals and general character?

Rev. JAMES McDONALD. Well, I can speak of the tent colony at Aguilar. I believe that since the strike has been called, out of that little colony there is at any rate 50 per cent of the people that attend church services. Their conduct has been splendid.

There was an incident or two—one incident early in the history of the strike, which I have never been able to get the full facts—that is, the John Church incident. But, taken as a whole, these people in the camps are good; their moral character is good.

Commissioner WEINSTOCK. What experience have you had at Aguilar or did you have immediately after the riot?

Rev. JAMES McDONALD. You refer to the Ludlow trouble?

Commissioner WEINSTOCK. Yes.

Rev. JAMES McDONALD. Well, I must say that I heard on Monday evening that the tent colony was being burned up; that the people were being slaughtered down there. I don't know what took place, going to bed early. On Tuesday morning I went into Main Street there, and some of these Greeks, I thought they were—might have been 15 or 25—armed, going up and down the streets. I found that these were the men who had been fighting over there in the Ludlow district with the militia. They were in Aguilar, and there was quite a little excitement.

I had a visit on that morning from the mayor. We talked over the situation. And afterwards I drove him down to the depot so we could send a wire to President Wilson telling him of the conditions and that the town was entirely out of the control of the town authorities. In coming back I saw away off on the foothills over toward Hastings quite a number of people; and on making inquiry—or rather the mayor made inquiry—of one Winberg, I think his name was—he used to be a pit boss at Hastings when I was there—I heard him ask him, "How many guns have you people here? How many guns have you?" He says, "That is the trouble; we have only seven." He says, "Only seven? Don't you know that Hanrock and these fellows are going to come in here with dynamite and put large guns on the hill, and they are going to clean us up to-night?"

Now, it has been said the strikers were fully armed. But that part of the conversation between the mayor of Aguilar and that gentleman who used to be a pit boss—Winfield, I think his name is—he used to be a pit boss at Hastings while I was there—said that there was only seven guns in the crowd.

On Tuesday nothing had happened at all; but on Wednesday, about 11 o'clock in the morning, there must have been, oh, anywhere from 50, possibly, to 75 striking miners, as I took them to be, passed my home, passed the parsonage on that street, going toward Main Street; and I took it that they must have been coming from toward Delague, possibly Hastings; I don't know which. They had not been long past, not more than an hour—possibly an hour and a half—until the disturbance started, a few hundred yards, say 500, past Aguilar, at the Empire mine. Hearing the shooting, I went to the door with my family, and I saw men going up these foothills toward the mine. I heard what I thought to be a Gatling gun fired from the mine. Very soon we heard that the superintendent, Mr. Waddell, had been killed, but nothing definite until late in the evening, about 7. Mr. King, who is part owner of the Southwestern mine, lived just the other side of the street, and he sent for me and said that he understood that his brother-in-law, Mr. Sipple, who was owner of the Empire mine, and the superintendent and others had been inclosed in the Empire mine, and he believed that, if I would, I could do something toward having these people got out by the striking miners.

This was about 7 in the evening. In company with the mayor, we went over and we discussed the matter with Mr. King; and we went down the street and I met what I thought must have been one of the organizers of the United Mine Workers; although I had never met him at all, something seemed to tell me that he was an organizer, and I asked him if he was an organizer and he said he was. I asked him his name and he told me his name, and I said that I understood that in the Empire mine there were women and children, and also a superintendent, Mr. Sipple, and others. While we were speaking I heard the blasting of dynamite in that direction, and I asked him, "Are these people blowing in the mouth of that mine?" He said he couldn't tell what they were doing. "Well," I said, "we can't stand for this at all; this must be stopped. There are women and children in there, as well as the mine foreman." I appealed to his manhood and to the fact he was a father.

Commissioner WEINSTOCK. That is, you were making your appeal to whom?

Rev. JAMES McDONALD. Mr. Gorman, or Mr. O'Gorman; something like that was his name.

Commissioner WEINSTOCK. What was his business?

Rev. JAMES McDONALD. He was an organizer of the United Mine Workers of America.

Commissioner WEINSTOCK. They were making an attack on the mouth of the mine?

Rev. JAMES McDONALD. That is what I thought they were doing. I could hear the sound of the blasting. Now, it has been said—I think it was the president of the C. F. & I. who made reference to this in his evidence—he said that the mouth of this mine was entirely sealed. Those were his words, I think. Now, that is not true. It is not a true statement. When I heard this blasting I appealed to that man, and he says, "Why, Mr. McDonald, what can we do?" I says, "I will tell you what I would advise. Get one of your most intelligent of each nationality, get them together, and let me appeal to them and tell them what we think we should do in circumstances of this kind." He said he would. In the meantime the mayor, John Allen, and myself went to the home of Mr. King again and we discussed the matter.

Commissioner WEINSTOCK. Who is he?

Rev. JAMES McDONALD. Mr. King was the owner, the part owner, of the Southwestern mine; a brother-in-law of Mr. Sipple, of the Empire mine.

Chairman WALSH. Excuse me; but probably there will be considerable detail to this, and if it is all right we will take an adjournment until 2 o'clock. Please then resume the stand.

AFTERNOON SESSION—2 P. M.

TESTIMONY OF REV. JAMES McDONALD—Continued.

Commissioner WEINSTOCK. Will you go on with your statement? We cut you short.

Rev. JAMES McDONALD. We told them about the efforts that had been made to get these people out of the Empire mine, and we discussed the best way in which they could be got out. We had this difficulty to face, that just an hour or two previous to the time to which I am now referring there had been two union men killed from rebel fire from the inside of the mouth of this mine; those who had taken shelter in the mine fired out from the mine, killing two striking miners, which made our task more difficult, and it was an intensely dark evening, and we thought there would be considerable danger for us to go forward to the mouth of the mine and hold even any communication with them at all; but after discussing the matter the mayor and myself and Mr. Allen, who is the owner of the Amadore mine, we agreed that we would make an effort to get in at the drift and get within speaking distance of where the people were, and possibly by crying to them we would be more safe than in going to the approach of the mine. However, we found that we could not get any lamps, and as the fan had stopped running we knew of the danger of going into the mine, which was a gaseous mine, with a light. And we went down the street and tried several places where we thought they might have a safety lamp, but we could not get one, and we went over toward the main street to see how affairs had gone with the striking miners regarding getting these people out, and we found that they were not at all unanimous in their desire to get them out. I might say that there were men there who had their children killed at Ludlow just two days previous; there were those there that had lost

their relatives, and it is almost impossible for anyone to appreciate the intense excitement that prevailed among these men; in fact, it would be almost right to say that some of them were insane in their grief.

We continued to reason with them. In the meantime, as I think I have explained already, I got them to send men to the Empire mine to have the blasting entirely stopped. They did that and we kept talking to them until well in the morning, and at last they stated at daylight they would go on and get these people out of the mine. For from 24 to 48 hours after the Ludlow trouble, we had women and children who had been out on the prairie from 24 to 48 hours in that cold night without any clothing, just as they had arisen hurriedly from their beds, when the trouble commenced. In one case there was one woman came in there to Aguilar 48 hours after the trouble who had given birth to a child that morning. She came there practically naked herself, and the little child entirely naked. They had been out on the prairie for 48 hours. My wife, myself, and some of the church ladies had to go around and get clothes and boots for these people. These were the human factors in the situation that made the intense feeling in Aguilar that I believe eventually resulted in the burning of the Empire.

Now, I think, it should be thoroughly understood, gentlemen, that the Empire mine—Mr. Welborn stated that the mine was entirely sealed; it was not. It was where the men had to come in and where the men had used their rifles. And they killed the two striking miners on the outside. The Empire mine was not sealed.

Commissioner LENNON. Have you personal acquaintance with other ministers in Huerfano and Las Animas Counties, where they have indicated to you that they have encountered the same kind of opposition that you have encountered in organizing your church? Ministers of any denomination?

Rev. JAMES McDONALD. I will say, sir, that the Aguilar church, which the Methodists have there, is the only Protestant church between Trinidad and Walsenburg, 25 miles in one direction and 20 miles in another, with the exception of the fact stated by the last witness that the C. F. & I. has a minister that goes to Berwind and in that canyon once in from five to seven weeks. So, that it is really not until I come to the annual conference, I have been so busy in the work down there, that I have the opportunity of having a conference and hearing the opinions and views of men so far as preaching services are concerned.

Commissioner LENNON. Do you ascribe this lack of church organization to the opposition of the mine companies or to other reasons?

Rev. JAMES McDONALD. I charge it to the opposition of the mine companies.

Commissioner O'CONNELL. To what do you assign the opposition of the mine companies to the church organization?

Rev. JAMES McDONALD. Well, I believe, sir, it is to stifle the ambition of the men for liberty and freedom of thought and action.

Commissioner O'CONNELL. Would that indicate that the men coming together for any purpose, whether it be for the purpose of worship of God or other purpose, the mere fact of them getting together might have a tendency to cause them to seek to form an organization of some kind?

Rev. JAMES McDONALD. No, sir; I would not put it that way; but I believe the operators down in that section recognize this fact, that the church in all times has been an agency for the uplift of mankind. I regret that at the present time it should be necessary for such organizations as the Socialists and others to come in and take up this work that the church ought by right to be doing.

Commissioner O'CONNELL. Then the fact would be that the operators do not want the men to attend church for fear they might become better educated and become better acquainted with their rights and grievances?

Rev. JAMES McDONALD. Yes, sir.

Commissioner O'CONNELL. And that if they came together for any purpose they might conceive some method of adjusting their grievances?

Rev. JAMES McDONALD. Yes, sir.

Commissioner O'CONNELL. Have the companies, through their officers, ever sought to suggest to you how you should conduct your church?

Rev. JAMES McDONALD. No, sir.

Commissioner O'CONNELL. Or indicate what sort of sermon should be preached?

Rev. JAMES McDONALD. Not in any case.

Commissioner O'CONNELL. That is all.

Chairman WALSH. Commissioner Ballard will ask you some questions.

Commissioner BALLARD. When you went to the mine first, years ago, was the superintendent or district boss a Scotchman?

Rev. JAMES McDONALD. Yes, sir.

Commissioner BALLARD. Was he a friend of yours?

Rev. JAMES McDONALD. No, sir; that is to say, I did not know him until I met him in Hastings, although I learned that he came from the same town in Scotland as myself.

Commissioner BALLARD. Were he and his family all members of your church?

Rev. JAMES McDONALD. In Hastings?

Commissioner BALLARD. I mean where you said you were not allowed to have Sunday school and singing and the church?

Rev. JAMES McDONALD. No, sir.

Commissioner BALLARD. Was he a member of your church?

Rev. JAMES McDONALD. No, sir.

Commissioner BALLARD. Were you and he friendly?

Rev. JAMES McDONALD. Yes, sir; as far as two men could be. For the 12 months I refer to I was working, I was not under his superintendency at all.

Commissioner BALLARD. Is he an officer of the company—the officer of the company that forbade your having church?

Rev. JAMES McDONALD. Yes, sir.

Commissioner BALLARD. He was a fellow Scotchman and a citizen of your own town?

Rev. JAMES McDONALD. Yes, sir.

Commissioner BALLARD. And he was the one that would not allow you to have church?

Rev. JAMES McDONALD. Yes; but I think it is only fair to state that this opposition did not start with me, that the same thing existed at the time the Presbyterians were there; and the people down there told me how the Methodist preacher had been treated down there; that his wife had thrown some manure from her barn over him to show her disgust.

Commissioner WEINSTOCK. To what religious body, if any, did the foreign miners belong; that is, the Italians and the Slavs and the others employed around those mines?

Rev. JAMES McDONALD. The Italians and Slavs, I believe, were mostly members of the Catholic Church.

Commissioner WEINSTOCK. Did the Catholic Church have services?

Rev. JAMES McDONALD. Occasionally; yes, sir. They had a parish priest who came occasionally—every three or four weeks.

Commissioner WEINSTOCK. Were the services in any way discouraged or interfered with?

Rev. JAMES McDONALD. I have no information along that line at all.

Commissioner WEINSTOCK. So far as you know, they were not in any way interfered with or discharged?

Rev. JAMES McDONALD. No. I would say that they have a little church building, which makes all the difference.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Do any ministers go to these tent colonies that have existed down there since the strike—for instance, Ludlow—and hold church services?

Rev. JAMES McDONALD. Not to my knowledge. I want to say that I had arranged with Mr. Lawson to hold service at Rugby and Ludlow tent colonies or the Ludlow colony. He had a large tent erected for that purpose, but had not the seats in it, when the trouble took place. I have visited there.

Chairman WALSH. In your ministerial capacity?

Rev. JAMES McDONALD. Yes.

Chairman WALSH. You had services there, or prayer meetings?

Rev. JAMES McDONALD. Not in Ludlow.

Chairman WALSH. Has any denomination been there at all?

Rev. JAMES McDONALD. Not to my knowledge.

Chairman WALSH. Do you know of any reason why that has not been done?

Rev. JAMES McDONALD. No, sir; I know of no reason. Of course, I want it understood that I have had the Aguilar and also the Rugby tent colonies and had services at the schoolhouse, which covers both. I will give an illustration just to show the conditions in these places: At the Curtis, which covers the Rugby tent colony and the Rugby mine, they have a Sabbath school. Three or four Sabbaths ago the superintendent had been a little late in coming, and when I went in there were five or six of the largest boys—from 12 to 16

years of age—that had got up onto the platform, and they were passing the time until Sabbath school started by having a game of cards. I took occasion then to ask these boys—these children—and there were some of them, I would say, 16 or 17 years of age, "How many of you have ever been in a Sabbath school until we started one here?" And I do not think that there were 3 out of the 35 who put up their hands that they had been in a Sabbath school or church.

Chairman WALSH. When was that?

Rev. JAMES McDONALD. Three or four weeks ago.

Chairman WALSH. That is all, thank you, unless you have something you want to volunteer, or if you want to make some explanation or amplification of the testimony you have already given.

Rev. JAMES McDONALD. I should say that one publication that has been put out by the operators referred to the congressional investigation in which I gave evidence; they say that I perjured myself in my answer to the question, "Are you an ordained minister?" And I maintain that the answer I gave at the congressional investigation was the only answer I could have given.

Chairman WALSH. What was the answer?

Rev. JAMES McDONALD. The answer was that I was in the traveling ministry on trial.

Chairman WALSH. Is there anything else, Mr. McDonald?

Rev. JAMES McDONALD. Yes, sir; I do not think that I just made it entirely clear in regard to the number of men who were members of the union at the commencement of the strike. I think it was put down that there was something like 12 per cent who were members of the union. I did not make it clear, which—I did not make it clear, just the reason why the other 88 per cent were not. I believe, gentlemen, that the reason was that these men were afraid to identify themselves with the organization, to come out openly, but were thirsting with the desire. I want, furthermore, to say that since the strike has been called, or just a little before the strike was called, I had a plan by which I intended to have a parsonage built at Aguilar, so there would be a place where the minister could reside, and from which he could work out in that great field that is down there. Well, Judge West wrote to all the operators for a donation, and he was turned down in every case. The striking miners have come forward and donated their work in that building. There is still an \$800 deficit to cover; and I want to say that if there is any good-spirited person here that wants to help a good work he can do so by donating us \$800.

I want to say, gentlemen, that the attitude of the Victor-American Co. has been entirely different to the C. F. & I. also with relation to the saloon. In the Victor-American camps we find that previous to the strike the Victor-American were receiving from 25 to 35 cents a month for each man who was on the pay roll.

Then, again, reference has been made by the different speakers—by Mr. Welborn—about different conditions, but Mr. Welborn did not tell it all. He spoke about the housing conditions down there, but I did not hear him tell the commission that they had one-room houses down there that were more like pigsties than anything else; I did not hear him tell the commission that in no case did we find the operators seeking to repaint or repair or clean out these residences. I did not hear him refer to the insanitary conditions in some of these camps. These are old things, gentlemen.

Chairman WALSH. Is there anything else that you have to state, Mr. McDonald?

Rev. JAMES McDONALD. Not except that I should desire this be inserted in the record.

Chairman WALSH. In explanation of your testimony at the congressional investigation?

Rev. JAMES McDONALD. No; my standing in the Methodist Church as a minister.

Chairman WALSH. Very good; that will go into the record.

(The matter so referred to and offered into the record by Rev. James McDonald is the following from the Year Book and Official Minutes of the Colorado Conference of the Methodist Episcopal Church, fifty-second session, held at First Church, La Junta, September 3-8, 1914, and is as follows:)

"Disciplinary questions: 6. Who have been continued on trial? (a) In studies of first year: Henry J. Catterall, Benjamin Eitelgeorge, John W. Fike, for only another year. 4. (b) In studies of second year: William H. Calfee, Edward G. Estlow, Mark J. Field, John M. Flynn, Arthur W. Hall, Edward

G. Ingraham, John H. Ketchum, James McDonald, Ernest E. Tuck, Fred H. Zimmerman, 10."

Rev. JAMES McDONALD. I will say, gentlemen, that when this trouble started, the fact that I had the fortitude to come forward here and also before the congressional committee and others and tell the conditions down there has caused all kinds of threats to be made against me.

Chairman WALSH. Just sketch the threats made against you, if you will, please?

Rev. JAMES McDONALD. During the Ludlow trouble, Lieut. Benedict, a lieutenant under Maj. Hamrock, sent word that one of the first ones he would get when he came in was the minister, and his nest was to be burned.

Chairman WALSH. Were there any other threats?

Rev. JAMES McDONALD. Yes; too numerous to mention. I think I will make that answer the whole thing.

Chairman WALSH. That is all, Mr. McDonald; you will be excused.

TESTIMONY OF MR. JOHN McQUARRIE.

Commissioner GARRETSON. State your name, please.

Mr. McQUARRIE. John McQuarrie.

Commissioner GARRETSON. What is your residence?

Mr. McQUARRIE. Trinidad, Colo.

Commissioner GARRETSON. What is your occupation?

Mr. McQUARRIE. For the last three years special agent for the Colorado & Southern Railway.

Commissioner GARRETSON. Were you former under sheriff of Huerfano County, Colo.?

Mr. McQUARRIE. Yes, sir.

Commissioner GARRETSON. How long did you serve in that capacity?

Mr. McQUARRIE. From April, 1902, to April, 1909.

Commissioner GARRETSON. What was the attitude of the sheriff's office to the Colorado Fuel & Iron Co. and other companies?

Mr. McQUARRIE. The sheriff's office and the Colorado Fuel & Iron Co. worked in conjunction, or with that company, in anything they wished politically or in any other way.

Commissioner GARRETSON. A friendliness then was shown between them by cooperation along the various lines of activity?

Mr. McQUARRIE. Yes, sir.

Commissioner GARRETSON. Both politically and industrially?

Mr. McQUARRIE. Yes, sir.

Commissioner GARRETSON. What was the method of selecting coroner's juries when accidents occurred at their mines?

Mr. McQUARRIE. When an accident occurred in a mine, the coroner was generally notified by the superintendent of the mine; the coroner then notified the sheriff's office and the sheriff then sent a deputy with the coroner to serve the summonses and subpoenas that were issued by the coroner.

Commissioner GARRETSON. What instructions were given to the deputy in that instance, in those instances?

Mr. McQUARRIE. The instructions were to serve the papers. The coroner would then consult with the superintendent of the mine and select a jury and fill out the summonses for the jury and give it to the deputy to serve, and the deputy would serve it and also select the one who would serve the subpoena and make his return on the subpoena. The juries were always selected by the coroner and the superintendent of the mines as a rule.

Commissioner GARRETSON. The injured man, if not killed, or his family if he was killed, were never consulted?

Mr. McQUARRIE. No; and the verdict was always that he came to his death by his own carelessness, as a rule.

Commissioner GARRETSON. It was seldom varied from?

Mr. McQUARRIE. It seldom varied.

Commissioner GARRETSON. There were instances where the company was held responsible, were there not?

Mr. McQUARRIE. I don't remember of any.

Commissioner GARRETSON. Were the same individuals often used on coroner's juries in the same mines?

Mr. McQUARRIE. In Huerfano County, no, sir. In Huerfano County the jury was selected from the mines—the different mines where the accident happened.

Commissioner GARRETSON. What I mean is, were the same individuals used in different cases?

Mr. McQUARRIE. No; not in Huerfano County; but that has been done, I believe, in Las Animas County.

Commissioner GARRETSON. What was the policy of the sheriff's office toward labor agitators or organizers who visit the colony?

Mr. McQUARRIE. Well, the labor agitators and labor organizers were kept out of the district, not allowed to come into the district, and kept out of the district, as much as possible, by the sheriff's office.

Commissioner GARRETSON. By the "district" you mean the mining district?

Mr. McQUARRIE. Huerfano County, the mining district.

Commissioner GARRETSON. Will you describe the arrest of John R. Lawson in 1906 or 1907?

Mr. McQUARRIE. Mr. Lawson was arrested by Sylvester Martine and one Magina, special officers of the town of Walsenburg. I was not present at the arrest; in fact, I was out of Walsenburg that night; but when I returned to Walsenburg that day I found Lawson in jail; he had been arrested the night before.

Commissioner GARRETSON. On what charge?

Mr. McQUARRIE. On the charge of carrying concealed weapons.

Commissioner GARRETSON. Was he convicted?

Mr. McQUARRIE. He was convicted; he had had his trial, and when I came back had been convicted, fined, and sentenced to jail.

Commissioner GARRETSON. For what period?

Mr. McQUARRIE. Thirty days, I believe.

Commissioner GARRETSON. Did Sheriff Farr ever ask you to get Lawson?

Mr. McQUARRIE. Yes, sir.

Commissioner GARRETSON. Under what circumstances?

Mr. McQUARRIE. He wanted to get him. He wanted me to frame up and get him—slip a gun in his pocket and get him.

Commissioner GARRETSON. In other words, he asked you to frame it up?

Mr. McQUARRIE. Yes, sir.

Commissioner GARRETSON. Why did you resign as undersheriff?

Mr. McQUARRIE. I had a racket with Mr. Farr, and I had been trying to get away for some time. I had a racket with Mr. Farr over the escape of a prisoner who had escaped from jail. He and I had a racket over it, and he told me he did not have any confidence in me and hadn't had for a long while and that we had better sever our connections. I went out, say, on the first of 1909, and his brother was going to take my place, and he was then game warden of the State, and so I remained with Jeff until April, so he would not have to break in two new men.

Commissioner GARRETSON. What was your next employment?

Mr. McQUARRIE. My next employment was with the Independent Coal & Coke Co., at Kenilworth, Utah.

Commissioner GARRETSON. Why did you quit that employment?

Mr. McQUARRIE. On account of a disagreement with the secretary-treasurer of the company. He made a disparaging remark in regard to one of my relatives, and he and I mixed.

Commissioner GARRETSON. Your usefulness was gone after that?

Mr. McQUARRIE. Yes, sir.

Commissioner GARRETSON. What followed this in the way of your employment?

Mr. McQUARRIE. I took a position as captain of the guards for the Pinkertons at Lead, S. Dak., during the Homestake strike.

Commissioner GARRETSON. How long were you there?

Mr. McQUARRIE. Eight months, guarding property for the Homestake.

Commissioner GARRETSON. Why did you quit that employment?

Mr. McQUARRIE. On account of the Homestake people dispensing with the services of the guards and everything had quieted down.

Commissioner GARRETSON. Peace had been restored there?

Mr. McQUARRIE. Yes; peace had been restored.

Commissioner GARRETSON. What was the character of the men sworn in as deputy sheriffs to guard the mine here before and after the strike?

Mr. McQUARRIE. In Huerfano County?

Commissioner GARRETSON. Yes, sir.

Mr. McQUARRIE. In Huerfano County, during this strike I have not been up there but very little. In Las Animas County the men were gathered up from all over the country—everywhere, all classes of men.

Commissioner GARRETSON. Regardless of citizenship?

Mr. McQUARRIE. Yes; regardless of citizenship. In fact, there were 45 men in one bunch shipped from El Paso, Tex., by a man by the name of Webster, and who were commissioned deputy sheriffs after their arrival here.

Commissioner GARRETSON. Without any qualification shown as to their character or citizenship?

Mr. McQUARRIE. None whatever.

Commissioner GARRETSON. Were they examined as to their ability with firearms?

Mr. McQUARRIE. I was not present, but that was one of the requirements, that they should be handy men with a gun.

Commissioner GARRETSON. You understood that was necessary anyhow?

Mr. McQUARRIE. Yes, sir; it has always been understood in those cases of hiring men for that strike at that time.

Commissioner GARRETSON. What do you know regarding Robert Lee, the mine guard, who was killed by a striker?

Mr. McQUARRIE. I knew Mr. Lee for 30 years. I was not present at the investigation of his killing. Mr. Hendricks can give you the full details of that.

Commissioner GARRETSON. What do you know of the type of man that he was?

Mr. McQUARRIE. Bob was a brute.

Commissioner GARRETSON. How is that?

Mr. McQUARRIE. Bob was a brutal man, very brutal.

Commissioner WEINSTOCK. Who was Bob?

Mr. McQUARRIE. Bob Lee. He had been in various troubles, serious trouble, previous to this. In fact, a short time, about a year before he was killed, Sheriff Gresham had started a campaign against the saloon keepers to make those people comply with the Sunday-closing law. Robert Lee was the deputy sheriff at Segundo. On one Sunday he proceeded to get drunk and went to Frederic Valdez and insisted on going into a saloon owned and operated by an Italian. The family lived in the rear and the saloon was in the front. He went into the rear, into the living portion, and compelled the woman—the man was away at the time—to open the saloon and let him go in there and help himself and friends to drinks, which he did. Along toward evening he stepped out to the rear of the house—as he went around the house—in the meantime he had insulted the daughter of the house. As he went around the house he was struck on his head by an iron object—a mining drill, it afterwards developed—and rendered unconscious; was brought to the hospital at Pueblo, laid there at the point of death for a long while. After he recovered he came back. I had a talk with him and he promised he would leave liquor alone and would not pull off any more of those stunts. That is only one of a number of things he had done while he was marshal at Segundo. That had put the people down on him to such an extent that his killing was not a surprise to any of his friends.

Now, Earl Tucker, that is now at present special agent of the C. & S. in my place, told me no later than last Friday many of the inside stories of a like character. He said it was no surprise to him whatever that Mr. Lee had been killed as he was.

Commissioner GARRETSON. Temperamentally he was not thoroughly fitted as a peace officer?

Mr. McQUARRIE. No, sir; he was not.

Commissioner GARRETSON. What had been his attitude toward miners and their wives and families?

Mr. McQUARRIE. He had never hesitated to beat one up, knock them in the head, abuse them, and use them for his own conveniences.

Chairman WALSH. That is all, thank you, unless you have something to volunteer or explain or amplify your testimony as given. Is there anything else that you desire?

Mr. McQUARRIE. I could sit here and talk probably until 6 o'clock, but I do not know but that it has already been put in before.

Chairman WALSH. A great deal has been put in before.

Mr. McQUARRIE. It would be simply repetition.

Chairman WALSH. We are trying to confine to the points that might be said to be points of dispute, the larger points.

Mr. McQUARRIE. I would gladly answer any question you would ask.

Chairman WALSH. I have no further questions to ask.

Mr. McQUARRIE. I would like to volunteer this much. Sitting here this morning I heard Mr. Weltzel read a letter purporting to come from Mike Livoda, where he desired to sell out to the coal company. I happened to know something in regard to that.

Chairman WALSH. Just state whatever you know in regard to the letter.

Mr. McQUARRIE. Mr. Lawson got wind that there was a letter of that kind being circulated, and he asked me if I could secure a copy of the letter. I got a copy of the letter through one of the detectives employed by the coal company. I also got the truth in regard to the matter. This was in 1913, previous—in 1912, previous to the strike. They were trying to discredit Livoda among his nationality, the Slavish and Slavic people, and this letter was written, framed up by W. H. Reno, detective employed by the Colorado Fuel & Iron Co., and a photographic copy made and given to each one of the camp marshals so that they could circulate them among these people and discredit Livoda and prevent him from organizing the people. As soon as the company found out that Mr. Lawson had a copy of that letter, knew the origin of it, everything was quashed and everything—all these copies were taken away from the deputies.

Chairman WALSH. That is all, thank you. You may be excused.

Mr. Patterson is the next witness.

TESTIMONY OF MR. JOSEPH H. PATTERSON.

Chairman WALSH. Take the chair, please, Mr. Patterson. Mr. Ballard will examine.

Commissioner BALLARD. What is your name?

Mr. PATTERSON. Joseph H. Patterson.

Commissioner BALLARD. Give me your address also.

Mr. PATTERSON. Walsenburg, Colo.

Commissioner BALLARD. Will you tell your experience as a mine official in the southern Colorado field.

Mr. PATTERSON. Why, I took charge of the Toltec mine, I think, in the fall of 1896. I came from Fremont County at that time, where I was in charge of the Fremont mine.

Commissioner BALLARD. What were the general conditions in the mine?

Mr. PATTERSON. The general conditions at Toltec mine at that time didn't amount to much. It was a small vein that we opened from the top vein to the bottom vein. We had only, I think at that time, something like 8 or 10 men working, so that I was not very familiar with the working conditions in southern Colorado at that time.

Commissioner BALLARD. Did the men have the right of free speech?

Mr. PATTERSON. So far as I knew at that time.

Commissioner BALLARD. Well, was that right subsequently denied?

Mr. PATTERSON. What is that?

Commissioner BALLARD. Was that right of free speech denied at that time?

Mr. PATTERSON. As far as I knew, they had it while I was in Huerfano County, where I was in charge of that mine.

Commissioner BALLARD. They have the right of free assembly and all of that?

Mr. PATTERSON. As far as I was concerned.

Commissioner BALLARD. Before you came to this mine, how long had you been a miner?

Mr. PATTERSON. I was raised in the coal mines, you might say.

Commissioner BALLARD. Where?

Mr. PATTERSON. In Scotland.

Commissioner BALLARD. How long have you been in this country?

Mr. PATTERSON. I have been in this country—I came to this country in 1869.

Commissioner BALLARD. When did you come to Colorado?

Mr. PATTERSON. I will have lived in Colorado 35 years to-morrow.

Commissioner BALLARD. Thirty-five?

Mr. PATTERSON. Yes.

Commissioner BALLARD. Well, what is the political condition generally in the coal mines? Have the officers in Huerfano County been men of high moral standing and of sufficient ability to discharge their duties impartially?

Mr. PATTERSON. In my opinion, they have not.

Commissioner BALLARD. Why not?

Mr. PATTERSON. Because they have not been able to carry out the provisions of the law.

Commissioner BALLARD. Well, tell us about the activities of the sheriff's office in controlling juries in criminal cases. Has that been the trouble?

Mr. PATTERSON. Yes, sir.

Commissioner BALLARD. Would you mind telling us about it?

Mr. PATTERSON. The law provides that the coroner shall call his own juries, but my experience in Huerfano County has been the sheriff's office has been naming the juries.

Commissioner BALLARD. Well, in criminal cases. In other than criminal cases the sheriff's office controlled the juries?

Mr. PATTERSON. Yes, sir; absolutely.

Commissioner BALLARD. In what way did they control them? Why did they control them?

Mr. PATTERSON. Because he had quite a number of Mexican people down there that he could handle, and he had the naming of all the jurors. If there was a special venire called, he went out amongst his friends and seen that they were the people that represented the juries if he was interested in the case.

Commissioner BALLARD. What was the motive of all this? Why did he do it?

Mr. PATTERSON. That is so they would be friends of his politically. That is the way I look at it.

Commissioner BALLARD. Well, were there many actions for damages on record?

Mr. PATTERSON. I have here a list. Shall I just read it off?

Mr. BALLARD. Yes.

Mr. PATTERSON. This is a list of actions for damages since the year 1891:

The first case, No. 452, tried October term, 1891, John Daut, plaintiff, v. The Colorado Fuel & Iron Co., defendants. That was tried by jury October 12, 1891. Verdict for defendants.

Case 508, filed October term, 1891, action for damages; John J. Weston, plaintiff, v. The Colorado Fuel & Iron Co., defendants; trial by jury, February 18, 1892. Verdict for defendants.

Case No. 559, filed October 4, 1892, action for damages; Margaret Renick, plaintiff, v. The Colorado Fuel & Iron Co., defendants; later retired from the docket.

It might be well to state here that in the district court, where I am deputy clerk now, there has been no index kept until we took charge in February, 1913. So that it was pretty hard to get at these cases.

Case 802, filed October term, 1895, action for damages; Sarah Gideon, plaintiff, v. The Colorado Fuel & Iron Co., defendants; settled by stipulation October 6, 1895.

Case No. 951, filed February 18, 1907, action for damages; Anna Springs, plaintiff v. The Colorado Fuel & Iron Co., defendants; retired from docket February 11, 1908.

Case 1283, filed October term, 1911, action for damages; Robert Templeman, plaintiff, v. George Fruth and James Authrey Coal Co.; set for hearing October 4, 1911; motion by defendants for cost bond sustained; motion of plaintiff to prosecute as a poor person denied; case was afterwards retired from the docket.

These were all the cases of damage actions in Huerfano County against any company, as far as I can find, for the last 23 years.

Commissioner BALLARD. In no case was damages awarded against the company?

Mr. PATTERSON. No, sir.

Commissioner BALLARD. Is the democratic form of government maintained in that section?

Mr. PATTERSON. Well, to answer that question, there is no form of government in Huerfano County. They call it the Kingdom of Farr. It has been declared by the majority of people down there to be not a part of Colorado; but they call it the Kingdom of Farr, through the influence of Colorado Fuel & Iron Co.; we don't recognize it as part of the United States.

Chairman WALSH. They don't what?

Mr. PATTERSON. They don't recognize it as part of the United States.

Commissioner BALLARD. Then the methods used to control politically do not meet the approval of the community?

Mr. PATTERSON. I think not, sir.

Commissioner BALLARD. Well, would you state briefly your experience with the Baldwin-Felts people who came to the district previous to the strike?

Mr. PATTERSON. I think the first thing I remember about that Baldwin-Felts was along about the 1st of September. I think it was the 3d. I noticed a great

many people going back and forth to the sheriff's office, and I wondered what was taking place. And along about the middle of it I found out he was deputizing deputy sheriffs for the Colorado Fuel & Iron Co. and other corporations.

Commissioner BALLARD. Did these men act in the capacity of peace officers, and were the citizens of Walsenburg treated with fairness and impartiality?

Mr. PATTERSON. They were not.

Commissioner BALLARD. Did he give preference to the company people?

Mr. PATTERSON. Yes, sir.

Commissioner BALLARD. Would you mind giving us some concrete examples?

Mr. PATTERSON. As far as deputy sheriffs are concerned?

Commissioner BALLARD. The Baldwin-Felts people, or any of those.

Mr. PATTERSON. I would—I could not as far as the Baldwin-Felts are concerned, until after what they call the Seventh Street massacre.

On the afternoon of the 24th of October, I was sitting in my office, and I heard quite a great commotion in the courthouse. I ran out and I saw Mr. Farr going to open the door that goes into the large court room, the district court room. That looks west, toward Seventh Street, where this trouble took place. I asked one of the parties what was the trouble, and they told me there had been a killing on Seventh Street. I went into the deputy prosecuting attorney's office, so I could see up the railroad track. About that time I could see some deputy sheriffs coming and running back and forth to the courthouse. When I went out then and locked my door, I think it was between 3 and 4. Perhaps a little after 4. I found out they were some——

Chairman WALSH. Try to pitch your voice a little higher.

Commissioner BALLARD. Talk louder.

Chairman WALSH. I am afraid these gentlemen can not hear you back here. I can scarcely hear you.

Mr. PATTERSON. I found out that two, three, or four had been killed up on Seventh Street. The next morning—I usually went to Neelley & Caldwell's hardware store and waited for the post office to open. The next morning, I think it was about 10 minutes past 8, I seen four Baldwin-Felts men come out of the courthouse and come down the front part of the courthouse and went down to the corner bank and went across the street to Neelley & Caldwell's and turned in behind the building. As soon as they were located there, three more came out of the courthouse door and made a start to where I was standing at the front door of Neelley & Caldwell's hardware store. I said, "What's going on here this morning?" But instead of coming across the sidewalk they took the street and came right over to the door. The first one came in, I learned was A. C. Felts. He asked if there was one of the proprietors of the store there, and Mr. Caldwell said, "I am." "Well," he says, "my name is A. C. Felts, of the Baldwin-Felts Detective Co. I am representing the sheriff's office this morning. I have come over here to search this place for a machine gun that was shipped in here last night by express." Mr. Caldwell asked where is Mr. Farr. He says, "It doesn't make any difference where Mr. Farr is. I am representing his office. I am going to search your place." I says to Mr. Caldwell, "You ought to ask what authority he has to search your place." This was before any insurrection. He says, "I don't require any authority." Mr. Caldwell says, "You ought to have a search warrant or something like that before I will allow you through here." He says, "No, sir; I am going through; I am going to search for it." So he went through the building and didn't find the machine gun. I think that was on a Saturday morning.

On Sunday, about noon, there was supposed to be two cases of rifles shipped to the Caldwell & Neelley Co. at that time. When I went home for dinner, where I live, I can see the freight house at the depot from the front gate. And I noticed one of the deputy sheriffs go up there, and there was four or five or six of the Baldwin-Felts people went up there also, and it seems they had got into the express office somewhere, they got two cases of guns, two—took two cases of these rifles, put them in the wagon, came from the courthouse, and they were taken back to the jail.

Commissioner BALLARD. What month was that?

Mr. PATTERSON. That was October 26.

Commissioner BALLARD. 1913?

Mr. PATTERSON. Yes, sir. Now, I was supposed to bring the verdicts of the jury. I have a copy of each of them.

Chairman WALSH. Coroner's jury.

Mr. PATTERSON. The records that were kept there.

Chairman WALSH. Are those verdicts of coroner's juries?

Mr. PATTERSON. They are the verdicts of the inquiries that have been held in Huerfano County in the last 10 years. That is as I was told to bring them.

Chairman WALSH. How many of them are there?

Mr. PATTERSON. That is all I could find in the records, 90.

Chairman WALSH. What is the usual form of them? Give a typical form.

Mr. PATTERSON. Shall I read some of them?

Chairman WALSH. Yes; read the typical ones.

Mr. PATTERSON (reading):

"An inquisition, holden at Pryor, in Huerfano County, State of Colorado, on the 15th day of January, 1908, before W. C. Hunt, J. P., acting coroner of said county, upon the body of D. L. Vigil, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: D. L. Vigil came to his death by car running over him and by his own carelessness."

It does not say where, or nothing about it. [Reading:]

"An inquisition, held at Pictou mine office, in Huerfano County, State of Colorado, on the 21st day of December, 1907, before S. Julian Lammie, coroner of said county, upon the body of Henry Thomas, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: That accident was unavoidable and was caused by a windy shot. We find the fault of accident lays with deceased."

They all run about the same.

Chairman WALSH. Is there anyone among them where the verdict found the person or company to be at fault in the death of the deceased?

Mr. PATTERSON. Here is one that will give an idea of the entire 90, I believe. This is the death of David Ferguson [reading]:

"An inquisition, holden at Rugby, in Huerfano County, State of Colorado, on the 22d day of November, 1905, before S. Julian Lammie, coroner of said county, upon the body of David Ferguson, there lying dead, by the jurors whose names are hereto subscribed; said jurors upon their oaths do say: David Ferguson came to his death on the 21st day of November, 1905, by a fall of rock in the third north entry of the Rugby mine. Death was due to his own negligence."

I believe that 85 out of the 90 will carry the language "his own negligence" or "his own carelessness." There is only one verdict of the 90 that holds the management at fault. I can not find where it was filed with the district court. I will read that. I have it here by itself, some place. This is on the death of Pete Melhjo:

"That the deceased, Pete Melhjo, met his death in the Rocky Mountain No. 3 entry, first north, room 16, said mine, address McGuire, Colo., on March 13, 1907, at about 8.30 a. m., by a fall of rock due to the negligence of the management of said mine."

That is the only verdict out of 90.

I find that in the 90 verdicts there are 109 deaths; 27 of them were English-speaking people and 82 foreign-speaking people.

(See Patterson Exhibit No. 1 for complete list of verdicts referred to.)

Commissioner LENNON. Are all of the citizens of this county proportionately as careless as the men working in the mines?

Mr. PATTERSON. Why, I couldn't tell you that.

Chairman WALSH. Have you any other data that you brought with you?

Mr. PATTERSON. That is all I was asked to bring.

Chairman WALSH. Now, is there anything else that you think of that might enlighten the commission, or do you care to amplify or explain any of the testimony that you have given?

Mr. PATTERSON. Well, I think I could give you an account of how I was treated myself. That would not be hearsay; that would be straight goods.

Chairman WALSH. Very good. As concisely as you can, please give us a history of how you were treated.

Mr. PATTERSON. In the year 1906 I came back from Europe, where I went to be treated for stomach trouble. I was living in this town, and I went down to Walsenburg to see my son in that year, and I took a chill which caused this rheumatism that I have, and it was four years before I got on my crutches. In the month of April I stood an examination for to take the census of Walsenburg and passed, and did take the census of that town. Shortly after taking that, the council or board of trustees appointed me police magistrate, and I got along very nicely until fall. I thought to myself if I could be elected justice of the peace, between what I could get out of that office and what I could get out of

the police magistrate's office I could make a living. My hands were in bad shape. And I went to the man that had charge of the precinct. It was the sixteenth precinct at that time. I was told I would have to see Mr. Farr before they could put my name on the ticket. In a few nights after that I met Mr. Farr, and I asked him if it would be all right with him, if I would be allowed to put my name on the ticket. He said, "As far as I am concerned, I have no objection, only that if you are justice of the peace I don't want you to take any cases away from Mr. Hunt." Mr. Hunt had been justice of the peace for a number of years. I told him that as long as I got my share of what was going on in the town, as police magistrate, I didn't care about taking any of his justice's business; that if I was justice of the peace I could make a little money by making collections, or something to that effect. So he agreed that I could go on the ticket, and I was elected and qualified. During the entire two years I never was allowed to try one case, not a single case.

Sometime in the month of December, 1911—there are a number of Scotch people there, and I organized in that year what was called the Caledonian Club of Walsen. Mr. Farr, through some of his friends, got it into his head that I had organized this club as a political club. It was organized in the first place for mutual and social benefit among the Scotch people, and for to carry out the program of Burns day. That got me in very bad repute with what they called the Huerfano County gang. They thought it would be a detriment to the interest of Mr. Farr and his gang. They kept harping at that for some months. And finally I called Mr. Farr into my office one day and I says, "As far as the Caledonian Club is concerned, it is not a political club." "Well," I said, "That the Caledonian Club was principally built up of Republicans, but they couldn't stand for the Republicanism that was carried on in Huerfano County; that we as a body would like to have some say in nominating the candidates on the Republican ticket." I think, if I remember, once that I just said that we couldn't vote for a man like P. L. Sanchez. He was a man that kept two wives; two families in town. That I could not see my way clear to vote for such a man as that. There was another man who was county clerk that was keeping three families. I told him I could not afford to vote for such a man as that. In fact, I says, where I had been in Fremont, where I have been for years, people there had some say in nominating their ticket, but here you dominate the ticket and we have got to swallow it. I says, "I can tell you that the Caledonian Club is not going to stand for that kind of politics." That put me in worse.

I was told that there was a meeting of the gang called that afternoon. And from that on I got no more cases.

The police force was instructed to take all cases to the justice of the peace. So I went to the mayor and explained it to him. He said that if I could get up a specific case where the policemen were found not doing their duty to come to him and that he would fire him. There was a police officer there that was found arresting women and taking money and putting it in his pocket. There was a certain house where these two ladies were that had paid him \$10 apiece, and I got their affidavit, and one of the policemen went with me. I took that to the mayor, and I says, "Is that good enough, now, to show you that there is crooked work going on in this police department?" I said, "You told me whenever I got anything good on that you were going to fire them." "Well, now," he says, "Patterson, I can't do anything for you." I says, "It is very peculiar, you are mayor of this town, that you can't have your police officers do the right thing." He says, "If Mr. Farr don't want you in this office there, you know the first thing they will turn your cases over to the police department and that ends you." I says, "You can do one thing, can't you?" "Certainly, what is it?" "You can wait here 10 minutes until I write my resignation." I went to the house, wrote my resignation, and took it and handed it to him. I have affiliated myself with the Republican Party all my life, voted the Republican ticket for over 30 years, took a very prominent part in politics in Fremont County for a number of years.

Maj. C. H. Coan, a veteran of the Civil War, and myself made up our minds that we could affiliate ourselves with the Democratic Party, and help the people of Huerfano County to get some relief. I appeared at the assembly and they asked me if I would take the nomination for county judge on the Socialist, Progressive, and other political parties combined, which I did, and we made up our minds to organize together as one political party, regardless of our national politics, so as to relieve the slavery of the people of

Huerfano County. I accepted the nomination, and the county central committee sent myself and Maj. Coan to stump, and we made a campaign of the county. And I was told that I was the first man that ever offered my services to go around Huerfano County, and they said, "Mr. Patterson, you are an old man now and you will get hurt before you get through." And I said, "I am going to canvass this county, no matter what the consequences are." And we started out and in every precinct—I will name one specific instance:

After the campaign was on in Walsenburg, Tulley Scott, who is now one of our supreme judges, was to speak the second night at La Veta, and I went up to act as chairman. Previous to our going up there we had sent a man to bill the town, and we also sent posters through the mail to the Oak View post office and to Alliance. When we reached La Veta that night, the judge and myself, we found that the bills we had had put up—some one had come along and pulled them all down. We found the posters sent through the mail had never been delivered. There were in the neighborhood of Alliance men that wanted to hear Tulley Scott speak. So when we got there we sent a man on horseback up to tell the boys that Tulley Scott was going to speak that evening and we had a pretty fair meeting.

This is to show you, gentlemen, that they were prohibiting people from collecting together so that we could speak to them. We went further on around the county, as I am going to tell you, and there were several other places where they did the same thing.

When we reached Malachite we found the county clerk was there the same day to speak, and he tried to rent the schoolhouse first—that was the place of our meeting. He found out that he could not get that and he rented another place and gave free drinks and a free dance—anything to keep the people from our meeting; and they kept at it every place all around, until we were billed at a place called Strong, or Sunnyside, and it was taken over at that time by the Oaks Co.—that is the man that operates the mine—and when we got down there we found that we could not get the hall. It was a hall that belonged to Manuel Sandoval, I think. And I asked them what was the reason I could not get the hall, and he said that Oaks came to him and said if they allowed anyone to talk in that hall, unless it was in favor of Farr, they would take away his license, and we could not speak there. There was an old Mexican man from another town that said: "If you can't get that, you make a date for another night and I will try and get a hall for you." And we made a date for another night at another hall. During the day of the night the speech was to come up Gov. Shafroth came into Walsenburg, and I said to the governor that we were going to have a meeting over at the Tioga coal camp, and asked him if he would like to go over there. He said, "It is up to you where I go." So we got some dodgers printed and they started out with them two or three hours ahead of the governor.

Chairman WALSH. I am going to ask you, Mr. Patterson, to dispense with these details, please, not that I wish to hurry you, but we have promised the out-of-town witnesses that we would get through here with the program to-day. Were you denied admittance into that hall?

Mr. PATTERSON. Yes.

Chairman WALSH. Why?

Mr. PATTERSON. Because we were going to talk against the interests of Farr.

Chairman WALSH. Who told you that?

Mr. PATTERSON. Mr. Sandoval.

Chairman WALSH. Who is he?

Mr. PATTERSON. He owns the hall and runs the saloon there.

Chairman WALSH. Who does he work for?

Mr. PATTERSON. He was running the saloon for himself.

Chairman WALSH. Was he a young man?

Mr. PATTERSON. He was a middle-aged man.

Chairman WALSH. Are there any other instances of that kind that you care to give?

Mr. PATTERSON. Yes, sir.

Chairman WALSH. I am trying to eliminate some of the details, because it is important to get through. Please give me just the large details of it. Were you denied admission to any other hall?

Mr. PATTERSON. Yes, sir; of all the Colorado Fuel & Iron Co. halls, except one, at Pictou. When the chairman of our party went over there he was denied; and I went and seen Manley myself, and he said, "Yes; you can have

that hall," and we did have that hall afterwards, and that is the only hall we got. And every place we got in we carried the precinct.

Chairman WALSH. Is there anything else of that kind?

Mr. PATTERSON. There were others we could not get into—quite a lot of them.

I was asked to testify in regard to last April. I have gotten away from that. Last April—I think it was on the 21st day of April—to show you how the citizens there were treated. Mr. John East, one of the young attorneys in town, came to my house about 6 o'clock and said, "Mr. Patterson, I would like to go over to the depot with you; I am looking for a friend of mine to come from Denver." And we went over there. When we heard the train coming we stepped out of the house. My house is about 200 yards from the depot. We went over there and were standing at the side of Russell Street, and after the passenger train had gone we saw a deputy sheriff of the name of Wright. He came down with his hand on his gun. East was standing here [indicating]; Jefferson Farr, jr., was on horseback over there; Lester was over here; and Mr. Miller, under deputy sheriff, came down and turned around to us and struck this young fellow and knocked him down and broke his pipe in his mouth before he said anything. He knocked East down—and I was a cripple and I could not do anything, and this other deputy sheriff was standing there ready to jump on me if I did anything—and he ran for the depot, but young Farr was between with his horse and tried to run him down, and Lester pulled his gun and ran toward him, and another deputy jumped off a wagon and said, "You little son of a ———." You know the rest.

On the Saturday following, on the 25th, I was going home and I turned into Mr. Hill's garage and was talking to Mr. Hill a few minutes, when Dr. Abdun-Nur came in. I was standing as close to him as this, talking to him, and along came the chief of police, and just as he came up he knocked him down, and called him all the names that ever was; the language is too strong to use here. And during the time he was doing this, he was putting these steel rings on his fingers. I said to Mr. Hill, "That is not a nice way to treat a brother Mason," and he called him a "red neck." That was on a Saturday night. On the Monday night—on the Monday morning following—that was the 27th, I think, I went into the hardware store and then went over to the post office at 8 o'clock along with Mr. Frolch, president of the State Guaranty Bank down there, but he has sold out his interest now. He and I went to the post office, and he was going out the post-office door ahead of me, and just as he got to the door there was a deputy sheriff, a stranger to me, who looked to me to be a Baldwin-Felts man, and this man Miller, and Miller hit him and knocked the blood out of his mouth, and he dropped his mail. After he got his mail, he hit him again.

Chairman WALSH. What was that date?

Mr. PATTERSON. On the 27th of April; and he picked up his mail and went straight across the street and into the bank. I found out afterward the reason for this, and all the reason I could ever find out was simply because he had rented one of his store buildings to the union for their headquarters.

This same Miller followed a young fellow up the street one afternoon and struck him over the jaw, and broke his jaw; that is the condition of things in Walsenburg previous to the regular soldiers coming there. Anyone that had any sympathy for the miners' union he was not safe to walk up and down that town. I have been told since that if I had not been an old cripple, an old gray-haired man, I would have been put out of business long ago.

These are the conditions and the true conditions at that time. This same Miller who broke this fellow's jaw was exonerated by a jury.

Chairman WALSH. He was tried in the criminal court, was he?

Mr. PATTERSON. Yes, sir.

Chairman WALSH. Is that all, Judge?

Mr. PATTERSON. If you will give me a little time.

Chairman WALSH. I don't want to hurry you, but I have three other witnesses this evening.

Mr. PATTERSON. I want to show, at some of the precincts, how we were treated at our election.

Chairman WALSH. Is it in writing?

Mr. PATTERSON. We have a town of 2,400 inhabitants at Walsenburg, and in the last spring election out of 2,400 there were 2,200 registered, and they voted 1,488 votes out of a population of 2,400. At that time there were 965 children, school children. There was 128 homesteaders came in from the

country, that started to build a new county road, and they brought these fellows there and voted them. We contested the election at a heavy expense, and filed our papers at the county court, and they refused to give us a hearing; this is the spring election. In the fall election, in the Tioga precinct, No. 30—it took in the Big Four mine and the Tioga mine. These two mines signed up with the union, and because they signed up with the union they had the precinct changed, and took the Tioga mine and the Big Four mine into the Badito precinct, and the poor devils had to go 18 miles to cast their vote.

In Oak Creek precinct four years ago we had two Democratic votes, and two years ago the Republicans had a majority of two votes—only that majority either way; but this fall it was going to go Democratic, and they changed it and the people had to travel 6 or 8 miles to vote.

Now, coming down to the town again, it has been the rule in Huerfano County, as well as all other counties in the State, that in each precinct they have two justices of the peace. This year, seeing that he could not elect Hunt justice of the peace in his own precinct, he connected three outside precincts to enable him to be elected justice of the peace.

Now, in 1913, the governor, by proclamation, declared it a city of the second class. They turned that down. I want to explain to you gentlemen how the power of politics goes in Huerfano County. In Walsenburg we have from 20 to 22 saloons; in the county we have from 20 to 22 saloons. These saloons are owned and controlled by Jefferson Farr and the Spanish Peaks Mercantile Co., of which he is president, and James B. Dick, our mayor. No one can get a license unless they buy their beer, cigars, and other things for their saloons from these parties, and that gives them a power in politics over all the saloons in this county, which is a great power in that county.

I heard Mr. Welborn testify there were no deputy sheriffs employed by him before the strike was called. From the 3d day of September to the 3d day of November I went down and took a list off, and I found 258.

Chairman WALSH. On the 3d day of what?

Mr. PATTERSON. Deputy sheriffs.

Chairman WALSH. What are the dates, I asked.

Mr. PATTERSON. From the 3d day of September to the 3d day of October. I think in all they deputized something like 600; between 500 and 600.

Chairman WALSH. That is 1913?

Mr. PATTERSON. Yes.

Chairman WALSH. How many were deputized between September 3 and September 23?

Mr. PATTERSON. I took the list myself, and I am only talking of what I took myself to make it sure. I went to the clerk's office and took from the 3d day of September to the 3d day of October.

Chairman WALSH. Do you have any idea of the number deputized between September 3 and September 23?

Mr. PATTERSON. I think 250.

Chairman WALSH. Is there anything else?

Mr. PATTERSON. I have a great deal of stuff. I have a list from the 3d to the 3d.

Chairman WALSH. Leave that here, or if you will kindly take it with you and put the dates of the appointments on from the record. I want just the date of appointment; you have the name of the deputy. You will be excused, Mr. Patterson.

(See Patterson Exhibit No. 2.)

TESTIMONY OF MR. JEFFERSON B. FARR.

Commissioner LENNON. State your name, please.

Mr. FARR. Jefferson B. Farr.

Commissioner LENNON. Where do you live?

Mr. FARR. In Walsenburg, Huerfano County, Colo.

Commissioner LENNON. What position do you hold in that county?

Mr. FARR. Sheriff's office.

Commissioner LENNON. How long have you been sheriff?

Mr. FARR. Fifteen years—a little over fifteen years.

Commissioner LENNON. Is there any limitation under the laws of the State of Colorado as to the continuation of county officials in office?

Mr. FARR. Not to my knowledge.

Commissioner LENNON. What property interests have you in Walsenburg, or in that county?

Mr. FARR. I have numerous property interests.

Commissioner LENNON. Enumerate them.

Mr. FARR. My property interest is stock and farming. I also hold stock in the bank there, and am a director. I own some liquor interests. I own some real estate and city property; that is about the extent of it.

Commissioner LENNON. What business did you follow before you became sheriff?

Mr. FARR. Stock business, cattle business, ranching, farming.

Commissioner LENNON. For how many years were you engaged in that business?

Mr. FARR. All my life.

Commissioner LENNON. How many deputy sheriffs were in commission in Huerfano County during the years 1905 to 1910; how many regular deputies did you have?

Mr. FARR. I could not tell you that. I have a list of deputies in my pocket that was called for on my subpoena when I was subpoenaed before you. My recollection does not run as to how many I had. I have brought here what I have.

Commissioner LENNON. What time does that list cover?

Mr. FARR. I will read the summons.

Commissioner LENNON. Do so.

Mr. FARR. It reads: "And bring with you a true and full copy of the list of all deputy sheriffs of Huerfano County, Colo., on and including the dates of January 1, 1913, September 1, 1913, and October 15, 1913." I have these lists prepared according to that.

Commissioner LENNON. Present the lists, if you will, please.

(See Farr exhibit.)

Commissioner LENNON. What number of deputy sheriffs have been in your employ since the date these lists were made out—since the dates to which this list refers?

Mr. FARR. Since October 15, 1913?

Commissioner LENNON. Yes.

Mr. FARR. Those names are all under appointment. I have not revoked them. Lots of them have left the country, but I have in actual service four men. When the Federal soldiers came in last spring they allowed me four men to discharge the duties of my office.

Commissioner LENNON. That is the number you have had since the incoming of the Federal soldiers?

Mr. FARR. Yes.

Commissioner LENNON. Were any of these deputies appointed without examination as to fitness in the way of character and competency and citizenship in this State?

Mr. FARR. I made no examination of any of them.

Commissioner LENNON. You made no examination of any of them?

Mr. FARR. No.

Commissioner LENNON. Were any of them employees of the coal companies?

Mr. FARR. Not at the time they were appointed.

Commissioner LENNON. Well, did they become employees of the coal companies while they were acting as deputy sheriffs?

Mr. FARR. I don't know; I employed them and sent them to other places—to the mines and other places in the county to protect property and enforce the law.

Commissioner LENNON. As sheriff, what was your attitude toward men who came into the community known generally as organizers—organizers of labor unions?

Mr. FARR. How is that?

Commissioner LENNON. Did you exercise any attitude toward those men in any way to prevent them from promoting their welfare in the community or seeing that they did not stay there?

Mr. FARR. It did not interest me one way or the other; I asked no questions.

Commissioner LENNON. You took no action regarding any such men who came into the community?

Mr. FARR. No, sir; I did not.

Commissioner LENNON. Tell us regarding the arrest of Mr. John R. Lawson; do you remember that case at all?

Mr. FARR. I do, sir. He was arrested by the city marshal, Martine, and his assistant, for carrying concealed weapons one night. I was at home. I came down town the next morning and found out that he had been arrested. Martine notified me that he was in jail, and that he had gone before the justice of the place and that he had sworn out a warrant and that he was tried and sent to jail for 30 days.

Commissioner LENNON. What custom prevails in Huerfano County as to the carrying of weapons?

Mr. FARR. I don't understand.

Commissioner LENNON. Do the men generally, in Huerfano County, carry weapons?

Mr. FARR. No, sir; not any more than they do anywhere else, I don't believe.

Commissioner LENNON. Mr. Lawson was tried and convicted; did he serve his sentence, or do you know as to that, Mr. Farr?

Mr. FARR. He appealed his case, is my recollection of it, and there was nothing ever done with it; it never came up in the county court. I think he employed Mr. Hendricks, an attorney from Trinidad; he came up in his interests, anyway.

Commissioner LENNON. What method is employed in your county for the selection of coroner's juries?

Mr. FARR. The coroner usually selects them.

Commissioner LENNON. The coroner selects the coroner's jury?

Mr. FARR. Yes, sir; he makes out the summons and hands it to the officer of the sheriff's office.

Commissioner LENNON. How are the juries selected for the trial of cases in the district court?

Mr. FARR. The regular panel is selected in this way: The county commissioners of the county select so many names—my recollection is that it is 300—from the tax rolls of that county. Those are placed in the hands of the clerk of the district court. Their names are written upon cards and placed in the jury box. A day is set and the clerk of the court draws the jury in my presence of 24 men.

Commissioner LENNON. Are any citizens eligible to service in the district court—jury service in the district court—that do not pay taxes?

Mr. FARR. Yes, sir; all citizens, as I understand, are eligible to jury duty.

Commissioner LENNON. You said they were taken from the tax list?

Mr. FARR. They are, the original jury; I did not get through. In the trial of a case where the regular panel is exhausted a special venire is usually placed in the hands of some officer, either the sheriff or some of his deputies, to fill that venire.

Commissioner LENNON. Is the statement that has been made before the congressional investigating committee and before this committee warranted in fact that in the selection of coroner's juries the superintendent of the mine where the accident occurred is consulted as to the personnel of that jury?

Mr. FARR. Not to my knowledge, sir. I do not think—I am trying to refresh my memory—but I do not believe I ever served a coroner's jury in Huerfano County myself. Not to my recollection; I don't remember a superintendent dictating a coroner's jury.

Commissioner LENNON. What, generally, are the qualifications you require of a deputy sheriff?

Mr. FARR. Well, I have what is called a complimentary appointment. Men who are merchants will come in and ask me for an appointment. Under our law we are not permitted to secure assistance without having a deputy sheriff's appointment. I have a number of that kind, but do not consider them active deputy sheriffs. The men I expect to do the work, I usually use all the precaution necessary to pick out a satisfactory fellow.

Commissioner LENNON. After the strike was inaugurated, did you appoint as deputy sheriffs any so-called gunmen, or the detectives of the Felts agency, or strike breakers, that were brought in from the outside?

Mr. FARR. I think maybe I appointed two or three of Felts's men—a man by the name of Walter Belt, who now holds my deputy sheriff appointment, and maybe one or two other men. There might be a number of Baldwin-Felts men; to be plain with you, I don't really know who are Baldwin-Felts men.

Commissioner LENNON. Did you make any inquiry at the time that they were appointed as to whether they were working for this agency?

Mr. FARR. I did not, sir.

Commissioner LENNON. What kind of duty were they appointed to?

Mr. FARR. They were appointed to duties to guard property around the mines and around the railroad depot and wherever I thought they were needed at.

Commissioner LENNON. Can you recall or make a statement regarding the first act of violence committed in your county as the result or outgrowth of this contest that is being investigated?

Mr. FARR. Of the strike?

Commissioner LENNON. Yes, sir.

Mr. FARR. I believe I can.

Commissioner LENNON. Just make a statement in regard to it.

Mr. FARR. If my memory bears me out, the first occurrence was about October 16. It was what we call the Oakview mine, 25 miles west of Walsenburg. One morning about daylight that mine was attacked from about half a mile away or distant on a hill. Somewhere from 300 to 500 shots were fired into the mine. I was notified of it, and I immediately notified the governor—wired him and sent him a letter—stating to him that from the conditions that then existed and what I thought a few days would bring about that I would not be unable to control the situation. I had no response from him.

Commissioner LENNON. What power has the sheriff to summon citizens to maintain the peace in a county?

Mr. FARR. I don't know.

Commissioner LENNON. Hasn't the sheriff the power to summon every citizen in the county and swear them in as special officers in order to maintain the peace?

Mr. FARR. Not to my knowledge. I never looked it up.

Commissioner LENNON. Well, I don't know as to Colorado; I know as to some other States.

Mr. FARR. I don't know, sir. If he has, my attention has never been called to it. I have never thought to look it up. I have consulted my attorney on those points, and he has never so advised me.

Commissioner LENNON. Was this disorder of which you speak now at this mine—it was prior to the arrival of the militia?

Mr. FARR. Oh, yes.

Commissioner LENNON. How long afterwards was it before the militia arrived?

Mr. FARR. The militia arrived in Walsenburg on the 29th of October, is my recollection, in the morning.

Commissioner LENNON. After the militia arrived, was there further violence immediately following the arrival of the militia?

Mr. FARR. Yes, sir.

Commissioner LENNON. You say yes?

Mr. FARR. Yes.

Commissioner LENNON. What was it?

Mr. FARR. There was a murder committed at La Veta; four men were killed in an automobile by a bunch of strikers from behind a railroad bank.

Commissioner LENNON. Did you see the men that did the killing?

Mr. FARR. I seen the men that were supposed to do the killing; that is, charged with the killing.

Commissioner LENNON. Have they been convicted?

Mr. FARR. They have not. They have been in my charge for about a year, in jail. They are now in Pueblo County.

Commissioner LENNON. It is not yet settled as to whether they did the killing or not?

Mr. FARR. No, sir.

Commissioner LENNON. What was the attitude of your office toward the strike as to sympathy with either side in this controversy down here?

Mr. FARR. My aim was to be neutral, to enforce the law, and to protect life and property. That is what I have done to the best of my ability.

Commissioner LENNON. And you have maintained that attitude?

Mr. FARR. Yes, sir.

Commissioner LENNON. Did you ever have or express your views as to the merits of the strike?

Mr. FARR. I don't remember of ever doing that.

Commissioner LENNON. You don't remember of having given expression to anything of the kind?

Mr. FARR. No, sir.

Commissioner LENNON. What was your policy as to cooperating with the militia, or cooperating with the Baldwin-Felts people, in connection with difficulties that occurred in the county?

Mr. FARR. My policy was to cooperate with anybody that would help me enforce the law and do the duties prescribed for me and laid down for me to transact.

Commissioner LENNON. Did you hear a statement by the last witness, that with a citizenship of 2,400 that 1,400 votes were cast in an election?

Mr. FARR. I could not hear him plain. I heard him say something along that line.

Commissioner LENNON. Well, have you any knowledge as to this matter—as to whether that statement is practically correct?

Mr. FARR. In which election did he refer to, and when?

Commissioner LENNON. My recollection is that it was last spring's election.

Mr. FARR. At last spring's election the population of Walsenburg was over 4,000, of all classes of people. Strikers had come in there from the time the strike was called, and every house—room—some houses had as many as four families in a four-room house. Never was before or since as at the time of that election so many people in our town of Walsenburg as then.

Commissioner LENNON. Were the people comparatively new arrivals?

Mr. FARR. Came in during the fall and winter for different reasons.

Commissioner LENNON. Were they entitled to vote in that community?

Mr. FARR. So held that way. I believe the laws of our State permit a person to vote where he has been a resident of the State a year, of the county 90 days, of the town 30 days, and of the precinct 10 days, and a naturalized citizen of the United States.

Commissioner LENNON. Do you know anything regarding the election, that it is claimed that the officers of the coal-mining companies conducted the nominations for county and town officers?

Mr. FARR. Not to my knowledge. I don't think—I have been in politics there, and been in office 15 years, as I have stated, and I have no recollection of any coal operator or superintendent or anybody connected with them ever controlling the nomination of anybody in our county.

Commissioner LENNON. Do you know whether the vote of the miners indicated, as to whether they had been in any way influenced as to how they should vote?

Mr. FARR. I don't know that.

Commissioner O'CONNELL. Is the sheriff of Huerfano County under an annual salary or is he paid by fees?

Mr. FARR. Paid by fees.

Commissioner O'CONNELL. What, for instance, for the year 1913, was the income of the sheriff's office in fees?

Mr. FARR. I do not carry that in my mind. We make our statements four times a year to the county clerk. I don't remember what the total income was or the emoluments of the office. I know what we draw.

Commissioner O'CONNELL. For instance, what did you draw as sheriff?

Mr. FARR. I am entitled to \$2,300 a year, and my undersheriff \$1,500, and the jailer so much—

Commissioner O'CONNELL. Then it is a salaried proposition?

Mr. FARR. It is a salaried proposition, but the salaries must be made to come out of the fees and emoluments of the office. If you don't make it, you can't draw it.

Commissioner O'CONNELL. Then, if the sheriff—if there was not a proper amount of business done during a certain year to bring your fees up to that, you would not get the \$2,300?

Mr. FARR. No, sir; you could not. You could not collect it.

Commissioner O'CONNELL. Do you feed the prisoners in the jail?

Mr. FARR. I do not feed them directly. I have a jailer that feeds them.

Commissioner O'CONNELL. Do you draw any compensation or emolument from the feeding of the prisoners?

Mr. FARR. Not a cent.

Commissioner O'CONNELL. You say you are interested in the liquor business in the city?

Mr. FARR. Yes, sir.

Commissioner O'CONNELL. Is that a wholesale business?

Mr. FARR. Mostly; yes, sir.

Commissioner O'CONNELL. Do the retailers go outside of your city to buy liquors?

Mr. FARR. I could not say as to that.

Commissioner O'CONNELL. Do you, in any way, as an officer of the county, use your position in the matter of the issuing of licenses?

Mr. FARR. I never have.

Commissioner O'CONNELL. Are the same men holding licenses now as have been for some years back?

Mr. FARR. Some of them. They sell, you know. They transfer their business and buy and sell from one to the other.

Commissioner O'CONNELL. Are you consulted in any way when a sale takes place?

Mr. FARR. Not without I am directly interested—a fellow who owes me something. Of course, if a man is indebted to our firm, or for some reason of that sort, I am usually consulted.

Commissioner O'CONNELL. Do all the retailers deal with your firm?

Mr. FARR. No, sir.

Commissioner O'CONNELL. How many of them do?

Mr. FARR. I think about 10 or 12 out of about 45; not to exceed 15.

Commissioner O'CONNELL. And what is the population of your city?

Mr. FARR. I judge between 3,500 and 4,000.

Commissioner O'CONNELL. And your county, how many?

Mr. FARR. Well, our census showed in 1910, I think, about 15,000. My judgment is now that our county—that the population of Huerfano County would be 17,000 people.

Commissioner O'CONNELL. How many licenses are there in the county altogether?

Mr. FARR. I could not tell you.

Commissioner O'CONNELL. Are there 40 licenses in the town?

Mr. FARR. I think altogether there are about 45 saloons in the town and county.

Commissioner O'CONNELL. In the town and county?

Mr. FARR. Yes; we also have another incorporated town in our county—La Veta. It was voted dry last spring; a year ago it had four saloons.

Commissioner O'CONNELL. How many licenses in the town of Walsenburg?

Mr. FARR. Somewhere from 22 to 23—somewhere along there. I don't remember exactly.

Commissioner O'CONNELL. With a population of 4,000?

Mr. FARR. Yes, sir.

Commissioner O'CONNELL. What is the license fee in this State?

Mr. FARR. It is \$500.

Commissioner O'CONNELL. Does that cover all licenses?

Mr. FARR. That covers the city license and county. Of course, the city has jurisdiction, and the county has not. There is a State license of \$50 a year, and a Government license of \$25. That makes it \$575.

Commissioner O'CONNELL. Now, do you own any of the houses in which these saloons are operated?

Mr. FARR. Yes; I control them through a stock company.

Commissioner O'CONNELL. How many houses occupied by saloons or which are rented to saloons do you control?

Mr. FARR. Two.

Commissioner O'CONNELL. What is the rent?

Mr. FARR. I get \$45 a month from one of them, and \$65 from the other.

Commissioner O'CONNELL. That includes the whole business, or just the saloon room?

Mr. FARR. That includes the saloon room—the whole building—that is, the part of the building that the saloon occupies.

Commissioner O'CONNELL. Now, are there any other tenants in that building?

Mr. FARR. Yes, sir.

Commissioner O'CONNELL. How many tenants?

Mr. FARR. Well, one of my saloon buildings is divided up, one part of it is the saloon, and the other part of it the light company; in the other building there is a barber shop in one corner of it—rented for a barber shop.

Commissioner O'CONNELL. How many pieces of property do you own in that town?

Mr. FARR. Walsenburg?

Commissioner O'CONNELL. Yes.

Mr. FARR. I personally, in my own name, don't own but three pieces of property, my home—

Commissioner O'CONNELL. In your own name?

Mr. FARR. Yes, sir; myself individually. What I own is in a stock company—outside of these three pieces.

Commissioner O'CONNELL. What stock company?

Mr. FARR. A real estate company called the Great Western Land and Investment Co.

Commissioner O'CONNELL. Do they sell land outright or hold land and build buildings on it?

Mr. FARR. We have done both. We have built some buildings and rented them, and we sell lots.

Commissioner O'CONNELL. Is it chartered under the State laws?

Mr. FARR. Yes, sir; an incorporated stock company.

Commissioner O'CONNELL. What is its capitalization?

Mr. FARR. My recollection is that it is \$50,000—I don't call to mind right now.

Commissioner O'CONNELL. How long has it been organized?

Mr. FARR. About seven or eight years. I think it was organized in 1906 or 1907.

Commissioner O'CONNELL. How many pieces of property does that company own in that town or city?

Mr. FARR. It would be hard to say. I think we own in the neighborhood of 50 or 60 lots—on the outskirts of the city.

Commissioner O'CONNELL. Are the officials of the mine company interested in that company?

Mr. FARR. Not one of them.

Commissioner O'CONNELL. Any of the superintendents, pit bosses, or any others that hold stock in it?

Mr. FARR. No, sir; it is owned by Walsenburg people. I own the biggest part. I own one-fourth myself.

Commissioner O'CONNELL. What is the par value of the stock?

Mr. FARR. A dollar a share.

Commissioner O'CONNELL. And how many shares were issued—50,000?

Mr. FARR. That is my recollection—50,000. I don't carry it in mind.

Commissioner O'CONNELL. And you hold 25 per cent?

Mr. FARR. I hold a one-fourth interest in the company, this \$50,000. I am almost positive now there was 44,000 shares of stock issued and still \$6,000 of stock in the treasury.

Commissioner O'CONNELL. Do you declare dividends?

Mr. FARR. Haven't yet. Haven't been able to do it. We are in debt.

Commissioner O'CONNELL. Are the properties in which all these saloons that are not owned outright by you, are they owned by this company?

Mr. FARR. No, sir. This company owns these two buildings that I speak of. I don't own them individually.

Commissioner O'CONNELL. I thought you said you owned two outright yourself?

Mr. FARR. No; I do not. They are owned by the Great Western Land & Investment Co., of which I am a stockholder and president of the company.

Commissioner O'CONNELL. What method is necessary to secure a retail license in your city? What is the procedure?

Mr. FARR. You make your application to the town clerk and it is taken up with the town authorities.

Commissioner O'CONNELL. Is it necessary for you to have the signatures of a certain number of citizens?

Mr. FARR. No, sir; it is not.

Commissioner O'CONNELL. In the locality where the saloon is to be located?

Mr. FARR. That has not been the custom. If a man wants to open in a certain place, he goes and makes application to the town clerk, and at the next meeting night it is taken up—whenever the trustees of the town meet.

Commissioner O'CONNELL. I have heard it rumored in a number of instances since I have been in Denver that it is impossible to secure a license for the retail sale of liquors in that city unless your permission is secured. Is that true?

Mr. FARR. Absolutely not true, sir. If it was, there would be a lot of them that are there now that would not be in business. It is not the truth.

Commissioner WEINSTOCK. You made the statement, Mr. Farr, that at the time you telegraphed to the governor asking for assistance, you did not know

what your authority was and what power you had under the law. Did I understand you correctly?

Mr. FARR. Well, I guess that is right; that is, I felt this way about it; that my duty was to appeal to the governor, as he was my superior officer. That is the way I felt about it at the time.

Commissioner WEINSTOCK. Well, did you or did you not know that it was within your power to raise—I think the legal phrase for it is—a posse comitatus?

Mr. FARR. I did not know that.

Commissioner WEINSTOCK. That is, that you could call upon the citizenship to come to your aid?

Mr. FARR. I did not know that. And the country was in such condition that if I had done it it would have been impossible to have got anybody to come to my service.

Commissioner WEINSTOCK. Well, that was your opinion at the time?

Mr. FARR. Yes, sir; that was my opinion at the time.

Commissioner WEINSTOCK. You mean that the citizens generally were not in sympathy with the authorities?

Mr. FARR. Well, they were afraid; they were scared.

Commissioner WEINSTOCK. Afraid of what?

Mr. FARR. Afraid they were going to get killed.

Commissioner WEINSTOCK. By whom?

Mr. FARR. Why, by the people marching around there over the county in bands—armed people.

Commissioner WEINSTOCK. What were these armed people? Who were they?

Mr. FARR. Well, supposed to be strikers; I don't know.

Commissioner WEINSTOCK. You mean that the town was terrorized?

Mr. FARR. Yes, sir; and they were marching up and down the streets there, as many as 500 or 1,000 in a bunch.

Commissioner WEINSTOCK. What led you to the conclusion that they were the strikers? Did you know any of them personally?

Mr. FARR. Yes, sir; I did.

Commissioner WEINSTOCK. Did they carry arms exposed?

Mr. FARR. Not at the beginning they did not. They had six-shooters on; most of them had six-shooters.

Commissioner WEINSTOCK. Did you at any time endeavor to disperse them before calling upon the militia?

Mr. FARR. No; I did not. I only had four men at the time and didn't feel as though I was able. I knew the state and condition things were in it would be impossible for me to; that is the reason I didn't do it.

Commissioner WEINSTOCK. Did you know who the ring leaders were of these armed bodies?

Mr. FARR. I had an idea who they were.

Commissioner WEINSTOCK. Well, did you communicate with them in any way?

Mr. FARR. I did not.

Commissioner WEINSTOCK. You did not advise them to discontinue their threatening attitude?

Mr. FARR. I did not. I figured I didn't have much chance when the deputy sheriffs that came in out of each district—they would pick them up and disarm them and carry them off down to the tent colony and make them join the union.

Commissioner WEINSTOCK. Did they threaten you in any way?

Mr. FARR. No. Well, it was common talk on the street they were going to kill me.

Commissioner WEINSTOCK. How did it reach your ears?

Mr. FARR. From the public. Everybody—people came in and told me. Come in at nighttime and come into my office during office hours and tell me to look out, they were going to get me.

Commissioner WEINSTOCK. Well, were you subjected to any violence in any way?

Mr. FARR. Me?

Commissioner WEINSTOCK. Yes; during that period.

Mr. FARR. I didn't give them an opportunity.

Commissioner WEINSTOCK. Well, what did you do to avoid giving them an opportunity?

Mr. FARR. I attended to my own business and stayed around my office.

Commissioner WEINSTOCK. You mean, you did not needlessly expose yourself?

Mr. FARR. No, sir; I did not. If I had, I would not have been here.

Commissioner WEINSTOCK. Well, I understood from your testimony that you wired the governor and got no reply?

Mr. FARR. No. I then called him up on the telephone and the governor told me that he did not think the conditions were such as to justify him in sending out the militia.

Commissioner WEINSTOCK. Then what followed?

Mr. FARR. Within a few days afterwards we had a riot in the town of Walsenburg and there were four men killed, and he then that night ordered the militia into the field.

Commissioner WEINSTOCK. Who were the four men that were killed?

Mr. FARR. I don't remember their names. They were supposed to be four strikers.

Commissioner WEINSTOCK. They were strikers?

Mr. FARR. Supposed to be.

Commissioner WEINSTOCK. By whom were they killed?

Mr. FARR. They were killed by the officers.

Commissioner WEINSTOCK. How did the riot start?

Mr. FARR. There was a woman by the name of Wahlmeyer, who was living down in the town, and her husband was living in the Walsen mine, and for some reason unknown to me, at the beginning of the strike, she did not move into the mine. Her husband, I think, wanted her to, but she did not; and she afterwards decided she would go up there and move to the mine; and these wagons from the mine were dispatched down there to move her household articles up, and some guards sent with it; that is, deputy sheriffs. On approaching the house they started to load the furniture in the wagon. Then the strikers—supposed to be—the crowd, as the first article was put into the wagon—is my recollection of the testimony—opened fire, and then the fight started.

Commissioner WEINSTOCK. That is, the strikers opened fire on whom?

Mr. FARR. On the deputy sheriffs and those who were loading the furniture in the wagon. A man by the name of Foster is the man who fired the first shot?

Commissioner WEINSTOCK. Is Foster unionized?

Mr. FARR. So far as I know. He was around with that crowd.

Commissioner WEINSTOCK. He was a striking miner?

Mr. FARR. That is my information.

Commissioner WEINSTOCK. Did you say the deputy sheriffs were loading the wagon?

Mr. FARR. No; the teamsters were loading the wagon. The deputy sheriffs were there—

Commissioner WEINSTOCK (interrupting). Protecting them?

Mr. FARR. That was the intention—to protect them.

Commissioner WEINSTOCK. And this man Foster fired on the teamster?

Mr. FARR. He fired—of course, I was not there. It is my recollection of the testimony adduced at the trial that he fired at a deputy sheriff and shot him through the ear the first shot.

Commissioner WEINSTOCK. Then what happened?

Mr. FARR. Then, as I understand it, the fighting started.

Commissioner WEINSTOCK. And the result was that four of the strikers were killed?

Mr. FARR. Yes, sir.

Commissioner WEINSTOCK. No deputy sheriffs were injured?

Mr. FARR. No, sir; except this one shot in the ear.

Commissioner WEINSTOCK. Any others injured?

Mr. FARR. No, sir.

Commissioner WEINSTOCK. Any arrests?

Mr. FARR. Arrested the deputy sheriffs next morning.

Commissioner WEINSTOCK. Arrested the deputy sheriffs the next morning?

Mr. FARR. Yes, sir.

Commissioner WEINSTOCK. They were arrested by whom?

Mr. FARR. By me.

Commissioner WEINSTOCK. That is, you yourself arrested your own deputy sheriffs?

Mr. FARR. That is, my other officers.

Commissioner WEINSTOCK. And then what?

Mr. FARR. They were placed under bond and were tried for it here about a month ago and were acquitted.

Commissioner WEINSTOCK. What was the result of the trial?

Mr. FARR. Acquitted.

Commissioner WEINSTOCK. Acquitted on the ground of self-protection?

Mr. FARR. Self-defense; I suppose so.

Commissioner WEINSTOCK. And that night the militia came?

Mr. FARR. The militia was ordered out on the night of the 28th, and this trouble happened on the 24th, and two or three days elapsed there, and finally the governor made up his mind to send troops into the field; my recollection is on the 28th day of October, and they arrived there on the 29th.

Commissioner WEINSTOCK. And when they came into the field did they take possession of it? Did they supersede you there?

Mr. FARR. They came to the courthouse and surrounded me and disarmed me and all my men the first act they done.

Commissioner WEINSTOCK. Did they establish what is known as martial law?

Mr. FARR. Well, I don't know what the term martial law is. They took charge. I turned over to them; didn't do anything.

Commissioner WEINSTOCK. From that time you relinquished your authority?

Mr. FARR. I didn't so understand. They declared martial law, if I understand what martial law is.

Commissioner WEINSTOCK. You relinquished all your authority, did you?

Mr. FARR. Yes, sir.

Commissioner WEINSTOCK. To the militia during their presence?

Mr. FARR. Yes, sir; and they made all arrests; for two or three months after that I didn't do anything. I furnished them the jail to put their prisoners in, and they would arrest them and hold them as military prisoners, and sometimes they would turn them over to me—to the civil authorities.

Commissioner WEINSTOCK. Who had control of the jail during that time?

Mr. FARR. A man by the name of Wright.

Commissioner WEINSTOCK. Whom did he report to?

Mr. FARR. He reported to me. That is, we had these—the commanding officer of the provost guard, I suppose you would term it, that handled these prisoners, issued to me what you might term a mittimus to hold them as military prisoners, and those were addressed to me.

Commissioner WEINSTOCK. Summing up, then, your statement is that the first aggressors in this trouble, the first act of violence, was committed by a striker?

Mr. FARR. Yes; that is my—

Commissioner WEINSTOCK. And whatever your men did was in the nature of self-defense?

Mr. FARR. That is the order—yes; that is right.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Anything else?

Commissioner GARRETSON. Just a few questions.

Chairman WALSH. Mr. Garretson wants to ask you some questions.

Commissioner GARRETSON. Has a deputy sheriff ever sat on a jury in Huerfano County in a criminal proceeding?

Mr. FARR. Yes.

Commissioner GARRETSON. Now, have men ever been used on a jury in criminal proceedings that could not understand English?

Mr. FARR. Many of them.

Commissioner GARRETSON. How long have you been sheriff, Mr. Farr?

Mr. FARR. A little over 15 years.

Commissioner GARRETSON. During that time, I would gather from your testimony that the business of the sheriff's office in Huerfano County has been conducted without any violation of law, in a strictly legal manner?

Mr. FARR. To the best of my ability I have tried to comply with the law. Does that answer the question?

Commissioner GARRETSON. In your opinion, how well have you succeeded?

Mr. FARR. All right, I think.

Commissioner GARRETSON. Completely?

Mr. FARR. I would not say as to that. Now, I can not be the judge.

Commissioner GARRETSON. That is all.

Chairman WALSH. What is the voting population of Huerfano County?

Mr. FARR. The voting population based on this fall—there was four thousand seven hundred and some odd votes cast this last election, and I should say 5,000.

Chairman WALSH. I notice on this list of deputy sheriffs appointed by you between January 10, 1913, and September 1, 1913, there appear 326 men. What was the reason for such a great number of deputy sheriffs that year?

Mr. FARR. On account of the strike.

Chairman WALSH. Then, that is between January 10, 1913, and September 1, 1913. Upon what date was the strike called?

Mr. FARR. Does that give the date? The strike was called on the 23d. The most of the list was appointed after the 1st of September, is my recollection.

Chairman WALSH. Between the 1st of September and——

Mr. FARR (interrupting). And the 23d.

Chairman WALSH. How is that?

Mr. FARR. Between the 1st of September and the 23d.

Chairman WALSH. The heading of it says, "List of deputy sheriffs appointed by Jefferson B. Farr, sheriff of Huerfano County, Colo., from January 10, 1913, to September 1, 1913."

Mr. FARR. Well, that includes all that time, but my books will show that the majority of them were appointed after September 1.

Chairman WALSH. This just says up to September 1.

Mr. FARR. Well, they would be appointed in the latter part of August.

Chairman WALSH. You were expecting a strike, then, were you?

Mr. FARR. Yes; I was.

Chairman WALSH. Did you confer with the company officials about it?

Mr. FARR. I did. I talked with them every day.

Chairman WALSH. I see a great many foreign names here. How are these men as to citizenship and the length of time which they lived in your city and in your county?

Mr. FARR. The majority of the people I appointed deputy sheriffs were residents of Huerfano County.

Chairman WALSH. And those who were not residents of that county were residents of what counties?

Mr. FARR. Different parts of the State that applied to me for the position and I gave it to a number of them when they came in.

Chairman WALSH. I see a great many men of the name of Trujillo—seven of them.

Mr. FARR. They are all residents, those Trujillos are, of Huerfano County. They are Mexicans.

Chairman WALSH. Are they miners, or what are they?

Mr. FARR. Probably, as almost all those Mexicans work around the mines from time to time.

Chairman WALSH. How many of those 326 men worked for the mining company?

Mr. FARR. I couldn't say as to that.

Chairman WALSH. Who paid for these deputies?

Mr. FARR. I don't know that. The county of Huerfano never paid for them.

Chairman WALSH. Did you ever hear from them where they got their money?

Mr. FARR. They were paid. I didn't pay them.

Chairman WALSH. You never inquired?

Mr. FARR. No, sir.

Chairman WALSH. Would you turn your office over to a private party without knowing?

Mr. FARR. I supposed that the coal operators were paying for them.

Chairman WALSH. You know the coal operators were paying for them, do you not?

Mr. FARR. I don't know for certain, but that is my belief, and I am really satisfied, but I don't know it; never saw the checks.

Chairman WALSH. Did you ever ask any officer of the coal companies whether or not they were paying them?

Mr. FARR. I did not. At the beginning of this strike Mr. Matteson, of the Colorado Fuel & Iron Co., came to me after the strike was called and asked me if I would appoint or send out to the different mines some deputy sheriffs to guard the property. That is about the only conversation I ever had with him, and I proceeded to send the men out.

Chairman WALSH. Now, the mining convention convened at Trinidad on September 15, as I understand it?

Mr. FARR. Yes, sir.

Chairman WALSH. And when were these requisitions for deputies made upon you?

Mr. FARR. About that time.

Chairman WALSH. Were all these men armed?

Mr. FARR. All the deputies?

Chairman WALSH. All the deputies.

Mr. FARR. Yes, sir.

Chairman WALSH. Carried arms?

Mr. FARR. Yes, sir.

Chairman WALSH. Who furnished the arms?

Mr. FARR. They were furnished by the coal companies. [Laughter.]

Chairman WALSH. Now, do not give way to your feelings, please, ladies and gentlemen.

Mr. FARR. They were armed at the mines.

Chairman WALSH. You heard the testimony here, did you not, that the first arms were purchased September 12 by the strikers, and that prior to that time no arms had been purchased? You heard that testimony, did you?

Mr. FARR. I did not.

Chairman WALSH. You did not hear that?

Mr. FARR. No, sir.

Chairman WALSH. Then, that testimony was incorrect or mistakenly given, wasn't it, if there was such testimony?

Mr. FARR. Well, so far as my recollection is, it has been quite awhile ago, and I don't really remember just what did happen and when these men were first armed; I really can't remember.

Chairman WALSH. But all of them were armed, all of the deputies you had?

Mr. FARR. They were supposed to be.

Chairman WALSH. And their arms came from some place other than from you?

Mr. FARR. I furnished a good many of them.

Chairman WALSH. Where did you get the arms you furnished?

Mr. FARR. I had them around there.

Chairman WALSH. How many did you furnish to these 326 deputies?

Mr. FARR. I couldn't tell you, sir.

Chairman WALSH. Now, I see that after September 1 and up to October 15 you appointed 75 more deputies. Now, that is the list that you mean you appointed before the 23d, did you not?

Mr. FARR. Read that over again.

Chairman WALSH. "List of deputy sheriffs appointed by Jefferson B. Farr, sheriff of Huerfano County, Colo., from September 1, 1913, to October 15, 1913," and there are 75 names following that. Are those the ones that were appointed mostly before the strike?

Mr. FARR. They were appointed between that time—between the 1st of September and October 15 they were appointed.

Chairman WALSH. Do you know when the greater number of those were appointed?

Mr. FARR. I do not.

Chairman WALSH. Were those men armed?

Mr. FARR. Must have been.

Chairman WALSH. They were all armed, were they not?

Mr. FARR. Must have been at the time; yes. My recollection why that number appears so large there is they were coming and going at the time of the Seventh Street riot. There were something like 75 to 100 deputy sheriffs in the county when—

(Chairman WALSH (interrupting). What time was that?

Mr. FARR. Twenty-fourth day of October.

Chairman WALSH. All of these, now, were before September 1, these 326. Those were coming between January 10, 1913, and September 1, 1913; every one of them was before September 1?

Mr. FARR. They were quitting and becoming dissatisfied and leaving; some on their own account and some did not fill the bill and were discharged.

Chairman WALSH. What became of their arms, those that left, if you know?

Mr. FARR. I don't know.

Chairman WALSH. They were not surrendered to you?

Mr. FARR. No, sir.

Chairman WALSH. And didn't you ever talk to any officer of a coal-mining company as to whether or not these men were being paid?

Mr. FARR. That was my general understanding, that they were being paid.

Chairman WALSH. Do you know how much they were paying them?

Mr. FARR. My understanding is it was \$3.50 a day, furnished; that is my knowledge.

Chairman WALSH. Who told you that?

Mr. FARR. Mr. Matteson, of the fuel company.

Chairman WALSH. So Mr. Matteson, of the coal company did tell you he was paying these men, and how much they were paying them?

Mr. FARR. That was at the beginning of this, as I stated before.

Chairman WALSH. Well, I didn't hear that before. Did you state that before, Mr. Matteson was paying \$3.50 a day?

Mr. FARR. No, sir; I did not make that statement, but I told you that Mr. Matteson was paying the men and made arrangements with me to send him these deputy sheriffs.

Chairman WALSH. I am advised by the other members of the commission that you said you did not know who was paying them.

Mr. FARR. I said that at the beginning, but then I refreshed my memory and said I had had this talk with Mr. Matteson, and it was the only talk I had had during the strike about the payment of these men, and it was the only one—at the beginning of the strike; I think it was after it was called in Trinidad. I say, I understood at that time that I was to furnish these men, and I naturally supposed that they were getting their money from that concern.

Chairman WALSH. Now, do I understand you that you did not make any examination into the character of these men?

Mr. FARR. I did not, sir.

Chairman WALSH. And their qualifications. They could have got, so far as you were concerned, a murderer, a red-handed murderer, and given him one of your commissions?

Mr. FARR. So far as I know.

Chairman WALSH. So far as you know?

Mr. FARR. Yes, sir.

Chairman WALSH. But that was left to the company?

Mr. FARR. So far as I know.

Chairman WALSH. And the arming of the men was left to the company.

Mr. FARR. The arming of the men was either left to the men themselves or else to the company.

Chairman WALSH. And you just turned loose 326 of them on your community, and that was before there was any call for the militia or any cause for trouble. Did you not think that might cause disturbance in your county?

Mr. FARR. They were not turned loose. These men were stationed at certain properties to take care of them.

Chairman WALSH. Did you have charge of them yourself?

Mr. FARR. To a certain extent.

Chairman WALSH. To what extent did you have charge of them?

Mr. FARR. They were to report to me any violence.

Chairman WALSH. What is that?

Mr. FARR. They were to report to me any violence.

Chairman WALSH. Report to you any violence?

Mr. FARR. Yes, sir.

Chairman WALSH. How many reports did you get from Epifanio Castro?

Mr. FARR. I don't know the man.

Chairman WALSH. Or from Joseph Anchester?

Mr. FARR. I don't know him.

Chairman WALSH. Fernandez Atencio?

Mr. FARR. I don't know as I got any.

Chairman WALSH. W. M. Arnold?

Mr. FARR. W. M. Arnold is a ranchman out at the foot of Spanish Peak.

Chairman WALSH. Did you get a report from him?

Mr. FARR. I got a report from him after the Aguilar mines were burned, that a bunch of people had come up to his house afoot—walked up there and asked him for shelter.

Chairman WALSH. Was that at the time he was commissioned, or was that the time you commissioned him?

Mr. FARR. Oh, he is one of my usual officers; been commissioned before.

Chairman WALSH. J. B. Arigon?

Mr. FARR. Never got any report from him.

Chairman WALSH. Felix Abeyta?

Mr. FARR. Never got any.

Chairman WALSH. Where was he located?

Mr. FARR. Lives on a ranch 7 miles west of La Veta—a sheep man and farmer.

Chairman WALSH. Did you ever get any report from Ancio Martinez?

Mr. FARR. I don't recall him.

Chairman WALSH. Do you know him at all?

Mr. FARR. Ancio Martinez?

Chairman WALSH. Yes; Ancio Martinez?

Mr. FARR. I don't know the man; didn't know he was carrying a deputy sheriff's paper. I guess there must be some mistake in the name.

Chairman WALSH. You never got any report from him?

Mr. FARR. No, sir; not to my recollection.

Chairman WALSH. Well, did you ever get any from any of the Martinez you have on here—you have 10 on this page. Did you ever get a report from them?

Mr. FARR. I couldn't say, sir.

Chairman WALSH. Do you know where they were located?

Mr. FARR. I do not, without I heard the first name. If you call the first name, I probably could tell you.

Chairman WALSH. P. J. Martinez; where was he located?

Mr. FARR. I don't remember.

Chairman WALSH. J. C. Martinez?

Mr. FARR. I don't remember.

Chairman WALSH. Moyses Martinez; where was he located?

Mr. FARR. Well, now, he is 12 miles north of Walsen.

Chairman WALSH. Antonio Martinez; where is he located?

Mr. FARR. I don't remember the man.

Chairman WALSH. Have you any record in your office that would show where these men were located—what mines?

Mr. FARR. I have none.

Chairman WALSH. Did they report to anyone but you?

Mr. FARR. I could not say as to that.

Chairman WALSH. Do you know how many hours per day they remained on duty?

Mr. FARR. I do not.

Chairman WALSH. Do you know what specific orders were given them?

Mr. FARR. No, sir.

Chairman WALSH. After they got to those mines?

Mr. FARR. I do not.

Chairman WALSH. There were none given by you?

Mr. FARR. No, sir; there were orders given by me to those men to protect the property and report to me any violence. I gave them that order myself when they left my office.

Chairman WALSH. I think that is all. You may be excused.

We will now stand adjourned until to-morrow morning at 10 o'clock.

(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned until the following day, Thursday, December 10, 1914, at 10 o'clock a. m.)

DENVER, COLO., Thursday, December 10, 1914.

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, and Weinstock.

Chairman WALSH. The commission will please be in order.

Capt. Harold G. Garwood.

TESTIMONY OF CAPT. HAROLD G. GARWOOD.

Chairman WALSH. What is your name, please?

Capt. GARWOOD. Harold G. Garwood.

Chairman WALSH. Where do you reside?

Capt. GARWOOD. I reside in the city of Denver.

Chairman WALSH. How long have you resided in the State of Colorado?

Capt. GARWOOD. About 22 years, sir.

Chairman WALSH. What is your position in civil life?

Capt. GARWOOD. I am a surgeon.

Chairman WALSH. And how long have you been practicing your profession?

Capt. GARWOOD. Since 1904, sir.

Chairman WALSH. Are you a member of the Colorado National Guard?

Capt. GARWOOD. I am, sir.

Chairman WALSH. Just describe your company, please.

Capt. GARWOOD. I am a captain of a troop of cavalry located in this city.

Chairman WALSH. And what is your rank?

Capt. GARWOOD. I am a captain, sir.

Chairman WALSH. Were you detailed during the coal-mine troubles?

Capt. GARWOOD. I was ordered to go into the field; yes, sir.

Chairman WALSH. What field?

Capt. GARWOOD. The southern field.

Chairman WALSH. From whom did you receive your orders?

Capt. GARWOOD. Why, I received a telephone message about 1 or 2 o'clock in the morning—well, no, I think it was rather—it was after the cars had stopped, probably between 12 and 1 o'clock in the morning.

Chairman WALSH. What date?

Capt. GARWOOD. Of the night of October 28, I believe.

Chairman WALSH. 1913?

Capt. GARWOOD. 1913.

Chairman WALSH. How long were you in the field?

Capt. GARWOOD. Well, just about six months, sir.

Chairman WALSH. Please sketch as briefly as you can where you were during the six months.

Capt. GARWOOD. We went with the detachment first from Denver to Trinidad, and very soon after our arrival—in about three or four days—we were sent to Delagua from Trinidad; and from Delagua we were sent to Aguilar, and stayed in Aguilar about three months and left there on the 1st of February and went back to Trinidad; and stayed at Trinidad the rest of the time we were in the field, except for a short time that we were stationed at Ludlow after we were recalled.

Chairman WALSH. Were you among those that were in Denver at the time of the Ludlow incident?

Capt. GARWOOD. Yes, sir; I was here, sir.

Chairman WALSH. Did you personally, or your company, have any collisions with the contestants during the time you were in the field?

Capt. GARWOOD. By "contestants" you mean the strikers?

Chairman WALSH. Did you have any active service, you might call it; any fights?

Capt. GARWOOD. There was no firing by my company, or my troop, as a troop.

Chairman WALSH. There has been something said, Captain, about the use of mine guards in the militia. Were there any such in your troop?

Capt. GARWOOD. I think, if my memory serves me correctly, that there were enlisted in my organization perhaps 15 or 25 men who had been employed as mine guards.

Chairman WALSH. When did those men come into your troop?

Capt. GARWOOD. My memory does not serve me as to the dates exactly, but my first lieutenant was sent to Sopris to enlist some of these men when he was stationed at Aguilar; I don't know the exact date.

Chairman WALSH. When was it, approximately, with reference to the time you were called out?

Capt. GARWOOD. You mean called out from here?

Chairman WALSH. Yes, sir; called out in October, 1913?

Capt. GARWOOD. I judge it was about a month or six weeks after that time, but I am not positive because I have not my enlistment papers.

Chairman WALSH. Who was the first lieutenant sent to Sopris to enlist these mine guards?

Capt. GARWOOD. His name was Garry Lawrence, the first lieutenant of my troop.

Chairman WALSH. By whose order was he sent?

Capt. GARWOOD. He was sent by the order of Gen. Chase.

Chairman WALSH. How many men are there in a platoon?

Capt. GARWOOD. A platoon of cavalry?

Chairman WALSH. Yes.

Capt. GARWOOD. A troop of cavalry at the present time consists of about 70 enlisted men.

Chairman WALSH. Please describe for us, will you, the organization of the militia, just how it is organized from the top down, beginning with the author-

ity and going right down, and how they are subdivided into squads or platoons, and how it is.

Capt. GARWOOD. Do you mean in the cavalry or whole guard?

Chairman WALSH. Well, cavalry; well, give the whole business.

Capt. GARWOOD. Well, that varies in different States.

Chairman WALSH. Well, I mean from October 13, during the time you were in service.

Capt. GARWOOD. Well, there was taken from here—of course there were infantry, cavalry, and a battery of artillery taken from here, and a portion of the Second Infantry was sent from the southern part of the State. Now, this detachment from Denver, or the companies from Denver, the cavalry, artillery, and infantry were joined by a portion of the Second Infantry from the southern part of the State, sent to Trinidad, and a portion of the First Infantry; and a portion of the Second Infantry was sent to Walsenburg and divided. So a portion of the First Infantry and a portion of the Second Infantry were stationed at Trinidad, and a portion of the First Infantry and a portion of the Second Infantry were stationed at Walsenburg. One troop of cavalry was at Walsenburg and a battery of artillery and cavalry; two troops of cavalry were stationed at Trinidad; and after they had been there some time, my troop of cavalry was sent away, leaving one troop of cavalry stationed at Trinidad, with a portion of the First and Second Infantry and artillery.

Chairman WALSH. Now, describe the organization—how many men in a troop, how many men in a platoon, and how many men in a company, going into the minutiae of it, as it was there.

Capt. GARWOOD. Well, some of the organizations did not have a full complement of men. My troop, when we left Denver, consisted of perhaps 30 men, and I don't know how many there were in the other troop that was sent there, probably about the same number; and I think the same number, probably, in the signal corps; and the battery, I think, had perhaps a larger percentage of men than I had; and the companies of infantry, I think, ranged from probably 25 to 30 or 40 men. Each one of these organizations, except the signal corps—the cavalry is divided into two platoons, if there is a sufficient number of men for that purpose.

Chairman WALSH. Consisting of how many men?

Capt. GARWOOD. Well, if they have a full troop of cavalry it consists of about 30 or 35 men to each platoon, which is commanded by a lieutenant, the first lieutenant commanding the first platoon and the second lieutenant commanding the second platoon; and then there are noncommissioned officers appointed as there are a number of men—as these men are desirable, men are appointed noncommissioned officers.

Chairman WALSH. What was the name of this first lieutenant sent to Sopris?

Capt. GARWOOD. His name was Garry Lawrence.

Chairman WALSH. And how many men did you say he had enlisted that were mine guards, if they had been mine guards?

Capt. GARWOOD. I couldn't say positively, but, I think, 15 or 25.

Chairman WALSH. And were they afterwards under your command?

Capt. GARWOOD. A portion of them were, yes; those that we succeeded in getting to come to Aguilar.

Chairman WALSH. Do I understand this lieutenant was sent there for the express purpose of getting men who were mine guards?

Capt. GARWOOD. Well, I don't know that it was necessarily his mission to enlist mine guards; but it was of those men who—the way I understood it—who had been employed about the mines in different capacities, probably as mine guards; and on account of the fact that my troop was not up to its full strength, he was sent over there to get these enlistments.

Chairman WALSH. And he got how many, you say?

Capt. GARWOOD. Between 15 and 25, sir.

Chairman WALSH. That is all. You will be excused.

TESTIMONY OF CAPT. PHILIP S. VAN CISE.

Chairman WALSH. Please state your name.

Capt. VAN CISE. Philip S. van Cise.

Chairman WALSH. And what is your profession in civil life?

Capt. VAN CISE. Attorney at law.

Chairman WALSH. How long have you been practicing law?

Capt. VAN CISE. Since 1909.

Chairman WALSH. Where were you educated?

Capt. VAN CISE. State university.

Chairman WALSH. Colorado?

Capt. VAN CISE. Yes, sir.

Chairman WALSH. How long have you lived in the State?

Capt. VAN CISE. Since 1900.

Chairman WALSH. Are you a practicing lawyer in the city of Denver?

Capt. VAN CISE. I am.

Chairman WALSH. Were you connected with the Colorado National Guard?

Capt. VAN CISE. Yes, sir.

Chairman WALSH. Kindly state your connection with it.

Capt. VAN CISE. I was captain of Company K of the First Infantry.

Chairman WALSH. Upon what date was Company K called out?

Capt. VAN CISE. The 28th of October, 1913.

Chairman WALSH. I wish you would briefly state your experience to the commission, Captain, from the time you were called out until you retired from the field.

Capt. VAN CISE. I will refer to my report for my data.

Chairman WALSH. Begin with the date you were called out, where you were, and the service you rendered.

Capt. VAN CISE. What do you want, the facts that occurred down there?

Chairman WALSH. No; not the facts that occurred. I want you to keep in mind when you were called out and where you were sent.

Capt. VAN CISE. I was called out on the 28th of October. We reached Trinidad about midnight that night. I stayed in Trinidad until the 1st of November, when I was ordered to Ludlow. And I was at Ludlow from the 1st of November until the 13th of March. I was recalled from the field with my company on the 13th of March, and again sent into the field on the 23d of April; reached Ludlow the 24th, was allowed to return to Denver on the 25th, and returned to the field the night of the 25th of April; was there until the 30th of April, when I came back to Denver.

Chairman WALSH. Now, please state briefly all your experience as an officer during the entire strike.

Capt. VAN CISE. In what way do you mean, Mr. Walsh?

Chairman WALSH. Well, for instance, how you were received when you went there, whether or not any bad feeling grew up between the guards and the citizens or the strikers, and the incidents connected with it—in fact, your entire experience and observation while you were down there.

Capt. VAN CISE. We reached Trinidad about midnight of the night of October 28 and stayed in the railroad yards overnight. The next morning we found a large number of strikers in the depot grounds, who seemed to be favorable; there was no unfriendly demonstration by any of them, nor was there any unfriendly demonstration while we were in Trinidad. We went to Ludlow, reached there about noon of November 1. All the troops that were in the Trinidad district went up together—the artillery, the cavalry, and the infantry—and we marched past the Ludlow tent colony. The entire colony turned out to receive us. They lined both sides of the road with their band; the women and children had flags and were singing their union songs and gave us a very fine demonstration of good feeling.

My company was stationed at Ludlow about 800 or 1,000 yards from the Ludlow strikers' colony and about 600 yards from the depot.

Company L of the First Infantry was sent to Hastings and Delagua, and Company A of the First Infantry from Denver was sent to Berwind Canyon.

There was one company of the National Guard at that time, Company B, Second Infantry, which I understand was called out by the sheriff about two weeks before that to protect the mining properties. That was up the canyon at that time.

Our relations with the strikers were very friendly for some little time. We played football with them and seemed to be getting along all right. The day we reached Ludlow a demand was made for guns.

Chairman WALSH. What date was that?

Capt. VAN CISE. November 1.

Chairman WALSH. November 1?

Capt. VAN CISE. Yes; on that date a demand was made for guns. Capt. Dorn, of G Company, with his company were to receive the guns, while K Company stood out on the outside on guard. A few guns were turned over at that time.

Chairman WALSH. About how many?

Capt. VAN CISE. I will see if I have the list here. I do not know. I do not think there were very many—about 15 or 16 guns there—but I couldn't state of my own knowledge.

Now, our orders at Ludlow were to keep the union and nonunion men apart. Gen. Chase thought that would be the best way to avoid friction. And so our orders were to cover all trains with a detail, a sergeant and 10 men, and to allow no one on the depot platform except people who had legitimate business there, except we would allow three representatives of the strikers to be on the platform to see no strike breakers came in. If any of the strike breakers came in we were to arrest them and to hold them for disposition.

The 2d of November I made a demand on the colony for some more guns, and John Weinberger was in charge of the colony at that time, and he turned in 15 guns, most of them Winchester rifles, but one Army Springfield rifle. That afternoon we arrested a Mexican strike breaker, who was armed with a bowie knife, and sent him out of the district.

On Monday, November 3, on demand by myself, 17 more rifles were turned over by the colonists.

Chairman WALSH. From whose hands—Weinberger?

Capt. VAN CISE. Weinberger again; yes.

On Tuesday we took up two more from the camp on demand, and we searched the town of Ludlow itself. We took 11 guns and 7 revolvers from the town.

Chairman WALSH. Were they taken off the person of the individuals that had them or taken out of the houses?

Capt. VAN CISE. We searched the houses in most cases; we went to the houses and asked for the guns, and they were delivered over without any trouble. Search was made, while the owners of the houses were present, of various receptacles that the men looked into and no guns were found hidden except in the house of the Greek baker.

Chairman WALSH. Did you search all of the houses or just those in which you suspected arms were hidden?

Capt. VAN CISE. No, sir; our order was to search every one——

Chairman WALSH (interrupting). You use the term "gun." What do you mean by that term?

Capt. VAN CISE. A revolver, rifle, shotgun, or .22 rifle. And we were also looking for ammunition. We made a demand on an Italian storekeeper for guns, and he said that he did not have any. We made a search and found a .45 Colt hidden among some dress goods, and we searched, and in a refrigerator we found about a thousand rounds of ammunition and a Winchester rifle and one or two revolvers.

Chairman WALSH. Who was that?

Capt. VAN CISE. An Italian storekeeper. And we were informed that a Greek baker had a large amount of arms and ammunition in his place. He was not there when we went there, but there was an assistant of his there, and he said that there was nothing there.

Chairman WALSH. Was the presumption or general reputation in the neighborhood that both of these men were friendly to the strikers?

Capt. VAN CISE. We knew nothing about the Italian storekeeper, but the Greek baker was said to be friendly to the strikers. We searched the place thoroughly, and under the floor, after taking up some boards, we found about a thousand rounds of ammunition. And then we went upstairs into the loft and we found three or four guns hidden there, and we also found four or five revolvers, mostly new and high class.

When we were going through the bakery the baker's assistant was with us, and we opened the door of a dresser and found these revolvers I spoke of, and found about two or three hundred dollars in money; and we had the assistant count this money, and we did not touch it until the assistant had counted it. The claim was made that some of this money was stolen, but after making such claim in the Trinidad Free Press that the money was stolen he backed up and said the money was all right. That was the only complaint made at that time.

On Saturday, November 8, Mr. Fox, the foreman of the Victor-American Fuel Co.'s railway that operates from Hastings and Delagua to Trinidad, had engaged about 12 Mexican trackmen to work on the tracks. They got off of the train at Ludlow and started up the track toward Hastings, and as they started up the track toward Hastings I think every man in the Ludlow tent colony started out after them, and the colony swarmed like a beehive, and they ran toward

the track in order to intercept these men. Maj. Kennedy, who was stationed at Ludlow in charge of the district, ordered me to take a detail to head off the men from the colony, and I did so. The Mexicans had not gone more than four or five hundred yards up the track when some shots were fired at them from the hills. We tried to learn who fired them, but could not find out. On investigation it was found that these men were not strike breakers, but they were railroad workmen, and they were allowed to go to work.

Along about November 12 a negro strike breaker from Delagua quit work and wanted to go back to Denver, and went down to the station and claimed to have been intimidated by the strikers down there, and came over and begged for protection. I went over to the depot with him personally, and he was a little ahead of me, and he went around a corner of one of the cars standing there there were about five strikers there that attempted to assault him. There were five strikers in the group, but only one attempted to strike him. The others did nothing. I arrested that man and took him to camp.

On the 14th of November we were instructed to cover the Ramey mine of the Huerfano Mining Co., about a mile and one-half from Ludlow, and placed a detail over there, and that detail remained until some time in February, when it was released.

On the 25th day of November I received an order from Gen. Chase to allow no one to leave the Ludlow tent colony. A few days before Belcher had been murdered in Trinidad, and it was suspected that some of the men implicated were hiding in the colony. I took a detail of men down and surrounded the colony, and there was a great deal of excitement over the colony being surrounded. The men left their tents and had several meetings. Charles Costa, who was later killed in the battle of Ludlow, came up from outside and wanted to get into the colony. His wife was with him and both were quite violent in their language. We allowed them to go in; and those in the colony were very abusive. Then I went to the leaders and told them that no more threats would be allowed, and Louie, the Greek, did very effective work in getting the men quiet, and he cooperated with us.

Shortly after December, 1913, we received this order, General Order No. 17, as follows:

General Orders, }	HEADQUARTERS MILITARY DISTRICT OF COLORADO,
No. 17. }	Trinidad, Colo., November 28, 1913.

The following is published for the information and guidance of all concerned:

Chapter 160, session laws 1907, page 486, Laws of Colorado: That it shall be unlawful for any person, persons, company, corporation, society, association, or organization of any kind doing business in this State by himself, themselves, his, its, or their agents or attorneys to induce, influence, persuade, or engage workmen to change from one place to another in this State or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State through or by means of false or deceptive representations, false advertising, or false pretenses concerning the kind and character of the work to be done or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of the employment, or as to the existence or nonexistence of a strike or lockout pending between employer and employee, or failing to state in any advertisement, proposal, or contract for the employment that there is a strike, lockout, or other labor troubles at the place of the proposed employment, when in fact such strike, lockout, or other labor troubles then actually exist at such place, shall be deemed as false advertisement and misrepresentation for the purposes of this act.

By command of Gen. Chase:

A. H. WILLIAMS,
Major, Adjutant General's Department, Adjutant General.

Before that order was received no strike breakers were allowed to come into the district, or, if they did, they were promptly arrested and sent out, and before I received that order, except in the one or two instances I have mentioned, there had been absolutely no friction between the company and the strikers.

On the 30th of November Maj. Kennedy was in command of the district. On that date he was in Trinidad on other duty and I was in command at Ludlow. I was awakened that morning about 5.30 or 6 o'clock by Bernardo Verdi, the Italian leader of the colony, who came to my tent in a very excited condition and told me in broken English that there was a large trainload of strike breakers coming into the district and that they would not stand for it. He said, "If

these people come in, we kill them; if you protect them, we kill you." I told him the governor's orders were that no strike breakers should be allowed to come into the district, and he could be assured of that, and if they did they would be arrested and deported; and I also assured him that if they did come in they would be protected, and he left me with the threat that if we protected them in any way there would be trouble.

Under orders, we had been covering the depot with a detail of 10 men and a sergeant. That day there was a long string of coal cars on the track which completely hid the depot from the military camp. The railroad was up on a high embankment and the colony was concealed from our camp.

Chairman WALSH. At Ludlow?

Capt. VAN CISE. Yes.

Chairman WALSH. Where was your camp?

Capt. VAN CISE. Immediately west of the station.

Chairman WALSH. And what is known as the water tank is immediately south?

Capt. VAN CISE. Yes; and the strikers' colony was immediately north of the station. The sand cut that figured in the battle is almost east, and the Ludlow station is in the center.

The sergeant and the men went to the station about half an hour before train time. The sergeant phoned me that almost the entire colony was down at the depot spoiling for trouble. I at once ordered my first lieutenant to form the command under arms and took two sergeants and went to see what was the trouble. When I got to the depot it looked like every man and woman in the colony was there. They were swarming all over the tracks and depot grounds, and a large number of rocks covered the ground around there. Ludlow is an adobe country and there are no rocks there, but at this time there were a large number of rocks about the size of your fist that covered the road, and the women were all armed with clubs, a large number of which were baseball bats studded with spikes that bristled like maces. They had a lot of boards covered with spikes, and a number of limbs of trees with sharpened branches. I had the detail fix bayonets and we managed to clear the depot grounds and the tracks without much trouble. We drove them out rather easily. Then they lined up in the road east of the depot, and the women all formed in the front rank, with the men behind. The women were brandishing their war clubs and were very violent, but the men were generally quiet; the women were cursing in violent fashion.

Commissioner WEINSTOCK. In English?

Capt. VAN CISE. Yes. The situation looked like there was going to be trouble, and while we did not know that any strike breakers were coming in, there was a possibility that they might. I got the three leaders, Gus Weinburg, Tom Jones, and Bernardo Verdi, and told them they would have to take the people back to the colony, and they said they would not do so. Then I ordered one of my sergeants to draw a revolver and told the sergeant if anything happened to shoot them. I told the men I would hold them responsible for the actions of the strikers. The rioters did not like this, and a good many dispersed. Before the train came two-thirds of them had gone back to the colony.

Chairman WALSH. What did the leaders say they were doing there?

Capt. VAN CISE. That they came to get those strike breakers if they got off of that train.

Commissioner WEINSTOCK. How many of them were there?

Capt. VAN CISE. Five or six strike breakers. They were sent back on the same train to Trinidad.

Chairman WALSH. What was the date of that?

Capt. VAN CISE. The 30th of November. That afternoon, in abundance of caution, I brought the entire company to the depot and established a line about 150 yards north of the depot, between the depot and the colony, and allowed no one from the colony to come closer to the depot than that.

Then the blizzard began on the 2d of December, and I really believe that if the blizzard had not come at that time serious trouble would have happened that year; but the blizzard kept everybody shut up closely in their tents, and during that time the governor changed his order and allowed the strike breakers to come into the colony.

Chairman WALSH. How many men were in your company at that time?

Capt. VAN CISE. At the depot 10 men and 3 sergeants; all told in my company at that time I had about 96 men.

Chairman WALSH. How were these men—had these men in your company been recruited?

Capt. VAN CISE. Originally my company was composed almost entirely of college men—college graduates. At this time very few had been released, but I had a large number of other recruits. I went into the field with 47 men and 3 officers, and later 5 rejoined, and so, in my company I had 55 or 58 of the original members. Many of my men were business and professional men and had to leave, and I had to get others to take their places; so some of my men came back to Denver and opened recruiting agencies there. They were instructed to be careful in the class of men they got and to send the men down as soon as possible, and we took in a large number of recruits.

Chairman WALSH. Did any of your recruits consist of mine guards at that time?

Capt. VAN CISE. I did not know it at that time, but I found later that there were two mine guards in my company. One of them, Kohmescher, failed to pass a physical examination in Denver. He came down with a large number of recruits, and when he got there he had neither enlistment papers nor physical examination blank, and he said that they had evidently been lost. I enlisted him and I found he was almost blind and could not see across the street, and he was useless either as a mine guard or a soldier. I did not know that he was a mine guard until after he got back to Denver, and he behaved himself very well while in the field. The other man was a man by the name of Griffith, who had been working at Delagua. Two of my men knew him, and told me they had a friend at Delagua that they wanted to enlist, and asked me to enlist him. I asked them if the man was a mine guard, and his friends said no. I enlisted him and he stayed in the company about a month and then deserted. I found out afterwards that he was a mine guard. Those were the only two I had.

Chairman WALSH. Did you at any other time have any mine guards in your company?

Capt. VAN CISE. No, sir.

Chairman WALSH. Proceed, if you please.

Capt. VAN CISE. On the 12th of December I found that five of my new men had broken into a saloon belonging to Pete Monteneli, of Rameyville, and robbed him of about \$42 worth of liquor, cigars, and cigarettes. Afterwards we got all of the men and they were taken before a court-martial and tried, and two of the men were sentenced to serve terms in the county jail and stayed there until we left the field; the others were given fines and returned to duty.

Chairman WALSH. Were they Colorado men?

Capt. VAN CISE. Two were. Three of them were ex-Regulars. I found that one of them had been dishonorably discharged from the Army and served time in Leavenworth. Another had forged his discharge papers from the Army, and a third had a good discharge from the Army.

Shortly after Christmas our milkman, Pete Rey, informed me that he could not give us any more milk, because he was told by the leaders of the colony that if he furnished us milk they would not buy any from him, and he said that as we bought only 5 gallons and the colony bought 25 he could not give us any more milk. I phoned Gus Weinburger at the colony and asked him about it, and told him the relations between ourselves and the colony had always been pleasant and that no friction had occurred. Our men could go into the colony at any time, unarmed, either as individuals or in groups.

Chairman WALSH. Did they do so?

Capt. VAN CISE. At times; yes, sir. I asked him why they had taken this position about the milkman, and he said: "Your men have been abusing our women." I asked him for specific instances, and he was unable to give me any. He said: "Well, the policy of the union is that we are not going to help the troops out in any further way; and if we can prevent them from getting supplies, we will do so." I informed Gen. Chase, and he directed us to take all of the milk, and that was done.

On the 29th of December George Shepard, a negro in the colony, shot and killed Kid Morgan, another negro in the colony, with a .38 revolver. It was a cold-blooded murder, and he was sent later to the penitentiary by the civil authorities. As a result of that murder I found a large number of arms concealed in the colony, and I so reported to the general. As a result, on the 31st of December the general ordered a search to be made of the tent colony for arms. Several organizations of the troops took part in that, and we took up 35 rifles at that time. Lieut. Linderfelt's organization was stationed outside on

guard, but did not take part in the search. Most of these rifles we found in the section of the colony belonging to the Greek strikers, and all of them were concealed under the floor or between the tents or hidden outside in piles of ashes.

On the 4th of January the Victor-American Fuel Co. reported a case of one of their men being detained in the colony against his will, stating that the man wanted to return to work. I went to the colony and asked for the man and had a good deal of difficulty in finding him. In fact, three men were said to be held down there. I got them out and told them that if they wanted to stay out on strike they could, or if they wished to do so they had a right to leave the colony. One of them said he wanted to go back to work, and the other stayed in the colony. I sent a detail with the man that wanted to leave, and the men there were generally peaceable and quiet, but one threw a rock at this man, and I had him arrested and sent to the camp.

On the 6th of January Lieut. Linderfelt and a patrol of his men were riding past the colony when Corpl. Cuthbertson's horse stumbled over a barbed wire that was stretched across the road, and Corpl. Cuthbertson was thrown from his horse and his skull slightly fractured. The lieutenant claimed that the barbed wire had been stretched across the road by the strikers.

Chairman WALSH. What lieutenant?

Capt. VAN CISE. Lieut. Linderfelt. In fact, there had been no barbed wire across the road before. As the result of that all the barbed-wire fence around the colony was taken down by the lieutenant. The strikers also claimed that day there was a young Greek assaulted at the depot by Lieut. Linderfelt. One of the other officers in the camp investigated. So I know nothing about that.

Chairman WALSH. What officer investigated?

Capt. VAN CISE. Lieut. Doll. I believe, made the investigation. You see Maj. Kennedy was back at Ludlow in charge of the camp, so I had nothing to do with that.

On the 12th of January we arrested 11 strikers in the vicinity of the Huerfano mine. It was claimed they were creating a disturbance over there. The superintendent of the mine said they had been calling his wife a good many names and had been making threats; so they were arrested and brought to camp for investigation. On that same day the ranch of George Georgeoni, 9 miles northeast of Ludlow, was searched. The superintendent of the mine had his ranch house broken into and a lot of things stolen and asked me to investigate; and we went out and found tracks that led through the snow leading to this ranch. We went out to the ranch, but could not find the stolen property. We found several guns out there—took up six guns and two pistols.

On the 15th of January a detail found four guns and a large amount of ammunition cached at Forbes Junction. They found them hidden in a dugout in one of the arroyos.

On the 18th of January Jim Calovi, while sitting on the railroad track in a drunken condition, was killed by the Colorado & Southern engine, and the strikers made that the occasion of a big parade and demonstration in Trinidad a few days later.

The same date Frank Garcia, a Mexican, was shot and killed by Arthur Lyons, a miner at Tabasco. They were both nonunion men. He was arrested by the military authorities, sent to Trinidad, and tried in the district court there.

Chairman WALSH. What was the result of that trial?

Capt. VAN CISE. He was acquitted.

On the 22d of January some ranch houses were searched for guns and nothing discovered. Same day five shots were fired near Bacchi's saloon, but we were unable to find who fired them. That evening an order was received from Trinidad to allow no one to leave the tent colony for Trinidad. About 25 men were turned back from the station.

On the 26th of January we had a very severe wind storm; blew down 11 tents in the camp and 70 tents in the tent colony.

On the 30th of January we removed our detail from the Huerfano mine.

On the 1st of February Maj. Kennedy and his staff removed to Fremont County, and from that time Maj. Hamrock was in command of the district.

Chairman WALSH. Was Maj. Hamrock a saloon keeper?

Capt. VAN CISE. Yes.

Chairman WALSH. How many saloons had he?

Capt. VAN CISE. One in North Denver. I want to add a word about Maj. Hamrock. To my mind he has been very much maligned. Until the battle of Ludlow no one said worse about him than he had been a saloon keeper. Pat is absolutely honest, fair, and square.

On the 6th of February Company L was relieved from duty at Hastings and Delagua and sent to Trinidad, and those camps were put under charge of my company.

On the 8th of February I went to Hastings and Delagua to look after the situation, and when I got to Delagua I found one of the saloons was in operation. That was on Sunday. I went into the saloon and asked the saloon keeper if he knew that by the State law that saloon should be closed on Sunday. He told me that he was a justice of the peace in the camp, and that they didn't pay any attention to such a law as that in Las Animas County. I told him it was our duty to enforce all laws there and he would have to close the saloon, which he did. And I instructed the camp marshal to see that it was kept closed and told my detail to see that it was kept closed.

On the 14th of February we searched the Ludlow tent colony a second time. It was claimed that a large number of high-power rifles had been shipped into the camp. We were unable to find the rifles. Only two rifles and two revolvers had been taken up. A count of the strikers that day disclosed 347 men in the colony. Lieut. Linderfelt took no part in this search, but was on the roads patrolling with his company.

On the 19th of February the congressional committee visited the strikers' colony and the camp. At our camp the questions they asked the men were as to length of service in the guard and occupation and residence—particularly anxious to see if any mine employees were in the company.

On the 24th of February 17 men were arrested by Company B, Second Infantry, for picketing on Water Tank Hill.

Chairman WALSH. I did not catch that, Captain, please. What was that last?

Capt. VAN CISE. On the 24th of February 17 men were arrested by Company B, Second Infantry, for picketing on Water Tank Hill.

On the 3d of March we took a census of the tent colony, simply of the men; took the men's names and residences—that is, residence when the strike broke out—former occupation, and how long they had been coal miners. That showed a total of 270 men in the colony on that date. There were 148 tents in the colony then. About the same time a school census was taken by the school officials, which showed 42 girls and 27 boys of school age in the colony.

On the 4th of March Company B, First Infantry, was relieved from duty at Forbes, about 5 miles south of Ludlow, and I was directed to take charge of that camp in addition to the other mines in my charge, and I placed a detail of a sergeant and four men at Forbes.

On the 8th of March Mr. Nichol, manager of the Forbes mine, made complaint that numerous assaults had been committed upon his men at the mine by residents of the Forbes tent colony. He claimed that when his men went by the Forbes tent colony they were intimidated, and some were beaten up by the strikers in the tent colony. My sergeant was ordered to take a detail the following day and go to the colony and take witnesses along and arrest those whom the witnesses claimed had committed the acts and bring them to camp. I was there that night, I guess, about 11 o'clock, and as I left Forbes I overheard some negroes talking about going to Suffield, south of there. They said they were afraid to go there; they might get beaten up. The next morning my sergeant went to the tent colony to find out about these men, and he found out a man had been killed on the railroad track leading to Suffield. A negro's body was found, and there were two stories told about that—one that he had been killed by the strikers and his body placed upon the track to be struck by the train, and the other that he had been run into by the train while drunk on the track. My sergeant claimed to have found tracks leading back into the colony, and he arrested three men, whom he brought to camp.

Chairman WALSH. What was the name of that sergeant?

Capt. VAN CISE. Sergt. Halston. Later some troops went up from Trinidad and arrested all the men in the Forbes tent colony, and they were taken to the Trinidad camp.

On the 13th of March we returned to Denver.

This order was posted in my guard tent and was called to the attention of all my officers and men, following out the order from Gen. Chase that no strike breakers should be allowed in the district:

"Whenever any strike breakers come to the depot the senior noncommissioned officer of the guard will ask them the following questions:

"(a) Were you told before you came here that a strike was on in this district?"

"(b) Do you know that the strike is on at present?"

"(c) Are you willing to go to work knowing that a strike is in progress?"

There was an order that the strike breakers should be allowed to go to work if they complied with the law. The above questions were asked of all the strike breakers. When they came in they saw the Ludlow tent colony. It was pointed out to them, and I think nearly all the time three representatives of the strikers were on the platform. They were also there when the questions were asked and saw that we tried to fully comply with the law.

Our relations with the operators were very pleasant, except at the Ramey mine, of the Huerfano Mining Co. The owner of that mine, from the time we first placed a detail in his camp, did nothing whatever to aid the troops in any way. At the boarding house the price charged the troops was greater than that charged civilians. The troops had to pay \$28 a month and civilians \$25 a month. They seemed to take delight at that mine in going after the troops whenever the opportunity arose.

Chairman WALSH. When did you first observe the change of attitude of the people in the tent colony toward the soldiers?

Capt. VAN CISE. Well, the attitude, except for these instances that I gave, of the colony toward my company was very friendly. Weinberger was hostile toward any soldiers all the time.

Chairman WALSH. In between these incidents that you speak of, pleasant and cordial relations existed between the members of your company and the people—the men and women?

Capt. VAN CISE. Yes. In fact, when we left there many of the strikers came over to say good-by to us. At all times we could go in there, except when those various incidents arose. We could go in the colony without arms.

Chairman WALSH. Was Linderfelt in your company?

Capt. VAN CISE. No.

Chairman WALSH. In the other company?

Capt. VAN CISE. Yes; he was in the other company.

Chairman WALSH. Did you observe anything, in so far as he was concerned, with reference to his relations with these people up to this time that you recollect?

Capt. VAN CISE. Yes.

Chairman WALSH. How were they?

Capt. VAN CISE. They were unpleasant. The colony had a violent hatred of Lieut. Linderfelt. He had been a mine guard in Berwind Canyon before the troops went into the field, and had engaged in some battles there, and they were particularly hostile toward Lieut. Linderfelt. The feeling seemed to be mutual.

Chairman WALSH. How did it manifest itself on the part of the strikers?

Capt. VAN CISE. The strikers told me very many times that they intended to get Lieut. Linderfelt. They said they were going to get even with these men. In fact, I think I have specific instances here.

At the time Lieut. Linderfelt had 17 men arrested on Water Tank Hill, while these men were being detained at Berwind, young Filer, the son of James Filer, who was killed in the battle of Ludlow, phoned to me and told me that Lieut. Linderfelt had his father and a lot of other men from the colony up there, and that he had better turn them loose, because "We are going to get them." That is the statement that he made to me over the phone.

Chairman WALSH. What was Lieut. Linderfelt's attitude toward the strikers?

Capt. VAN CISE. Hostile.

Chairman WALSH. Hostile?

Capt. VAN CISE. Yes, very.

Chairman WALSH. Did you hear him make any statements to them or about them?

Capt. VAN CISE. Yes.

Chairman WALSH. Just detail them as well as you can remember them, Captain.

Capt. VAN CISE. Well, I think Lieut. Linderfelt had a different attitude of mind toward the strikers than some of the other guardsmen. He did not sympathize at all with the strike. He did not believe that the strikers had any merits in their claims. He thought that they had committed all the violence in the district, and he thought that they should be removed from the district.

Chairman WALSH. Did he state that?

Capt. VAN CISE. Yes.

Chairman WALSH. Did he, at any time, state that in the presence of the people in the tent colony?

Capt. VAN CISE. I couldn't state that positively, no.

Chairman WALSH. Did you hear him use any threats or violent language toward the people in the tent colony or to any individual?

Capt. VAN CISE. I don't remember any individual case in which he did in the presence of the strikers.

Chairman WALSH. You may proceed.

Capt. VAN CISE. I have here itemized the charges that were made against my men by the strikers at various times. I told you as to the Greek baker who claimed that the men had stolen some money from him.

The leaders of the colony made it a practice to always telephone us at Ludlow and let us know any charges that they had to make against my men or the men in the vicinity and they were promptly investigated.

They complained one time that one of my men had been in the camp—had insulted one of the women in the colony. In fact, that complaint was made by Mrs. Jolly, one of the women of the colony. She came to the camp and claimed one of the men had been in the colony the night before and had asked to come into her tent. I asked her if he had made any improper proposal, and she said no, that he told her he was cold and wanted to come inside. I then asked her to identify the man. I lined up the company, and she did not find him there. She went around the camp and finally found the man she claimed had been in the tent. I investigated this and asked him where he had been the night before. He gave me an account of his whereabouts. He claimed he had been with two men who were at that time over on the Ramey mine detail. So I got in touch with those men without those men having time to see him, and found out that he had been in this tent with these men continually that night—had not left there because they had all been playing cards until about 10 or 11 o'clock in the evening.

I came to the conclusion that her complaint was groundless, especially as I found later she had been making threats against him because he had been one of the men who had been down at the depot the day we had our little mix-up with the strikers at that time, and that he had made her stop her talking at that time and threatened to arrest her if she would not.

One complaint I found was well founded was made by Mary Petrucci. She was the wife of a striker living near the Ramey mine. She claimed that one of my men had gone to her house and had made an improper proposal to her. So I had a summary court held. I had Bernardo Verdi, the then leader of the colony, come up and bring Mrs. Petrucci and her husband. This man was fined \$30 and sentenced to 30 days in the guardhouse. She testified before the congressional committee in regard to this, but she didn't know the man's name or wasn't sure of the particulars; but the fact occurred as she stated.

Then during the first search of the colony a Mexican claimed he had been robbed of \$50—that it was taken from his trunk—claimed the men had taken \$50 in bills from his trunk. I had him held by the men while we went to his tent to investigate. The men misunderstood my order and let him come to the tent. He said something to his wife in Italian or Mexican. I had him taken away so he could not do any more talking. I asked her, and she said, yes, \$50. I asked her what kind of money this was in. She said it was in silver money. I asked her where it was when she had seen it last, and she showed me one place. I had her taken away and had him brought in, and asked him where it was, and he said it was in an entirely different part. And he still continued to claim it was in bills and in another place from his wife. So I came to the conclusion that the story was false, and he later admitted it to be so.

Chairman WALSH. Those were all of the charges that were made against your men, or to your knowledge, at least?

Capt. VAN CISE. So far as I know.

Chairman WALSH. How long after April 20 was it before you returned to Ludlow?

Capt. VAN CISE. I think it was the night of the 23d that I got an order to return—the night of the 22d I got the order to return, and we left here on the 23d of April.

Chairman WALSH. The battle of Ludlow—

Capt. VAN CISE. Was on the 20th.

Chairman WALSH. Occurred on the 20th?

Capt. VAN CISE. Yes.

Chairman WALSH. Will you please describe to the commission what you learned there regarding the details of the battle, immediately upon your return?

Capt. VAN CISE. Immediately upon my return to the field?

Chairman WALSH. Yes.

Capt. VAN CISE. I got to Ludlow on Friday about 2 or 3 o'clock in the afternoon.

Chairman WALSH. Friday, what date?

Capt. VAN CISE. Twenty-fourth. Shortly after I got off the train I was told by a few soldiers and some of the civilians of the town about what happened at the battle. They seemed to tell a unanimous story that the—well, I guess my report that the board of officers made would tell what happened.

Chairman WALSH. Just please detail to us—sketch it as briefly as you can.

Capt. VAN CISE. As I understood from these civilians and soldiers—of course, they did not know all the facts that we got later in the report—all I got from them was that the strikers ran out of the tent colony with their guns early in the morning, and shortly after a detail had been down to the colony. The detail had gone down there to demand a man who was alleged to be held by the strikers. Louie, the Greek, who was in charge of the colony, had refused to give him up, and the detail had gone back and reported to Maj. Hamrock. He had phoned Louie and asked him to come up to the military camp to meet him. Louie refused, for the first time that he had ever done so, and then later phoned the major that he would meet him at the depot. The major went to the depot to meet him, but before doing so telephoned Lieut. Linderfelt that they would have to go down to the colony to get this man and to bring his troops over.

Chairman WALSH. That is Louie Tikas?

Capt. VAN CISE. Yes. Lieut. Linderfelt sent Lieut. Lawrence and a few soldiers ahead of him and then Tikas met Maj. Hamrock at the depot. At the depot Louie recognized the wife of this man who was held in the colony, and said, "Oh, yes; we have that man; he is a cripple; we don't want him." And the thing seemed to be settled all right. He said, "I will get him for you." Lieut. Lawrence reported at the depot and Maj. Hamrock told Lieut. Lawrence it would not be necessary to get him. Lawrence started on horseback up the street toward Berwind and got a little ways when he saw a large number of strikers running out of the colony with arms in their hands. He galloped back to Maj. Hamrock and told him these men were running from the colony. The major asked Louie what was up. Louie said, "I will stop it." Louie ran down the street toward the colony waving his handkerchief at the men. But the men ran over and took their positions in a sand pit and opened fire. Lieut. Linderfelt and his men had arrived on Water Tank Hill about that time, a few minutes before the battle started up there. Then two or three dynamite bombs were set off by the military camp to warn the men in the vicinity, the mine employees, to protect themselves and come to the aid of the company, and the battle was under way.

Chairman WALSH. Proceed and give us all you heard about it when you went back there.

Capt. VAN CISE. I was told that the troops managed to dispose of the strikers in the sand pit, that they found other strikers had taken possession of the steel bridge immediately north of the colony, and that during the fight upon the colony three prisoners were taken, Louie the Greek, James Filer, and a striker whose name we were unable to get. We thought it to be Rubino, but we don't know his name, and I was told by these men these prisoners had been killed.

Chairman WALSH. How far was the camp proper away from the pump house, how far to the station, the railroad station?

Capt. VAN CISE. The military camp?

Chairman WALSH. Yes, sir.

Capt. VAN CISE. It was about 600 yards from the station, about 800 yards from the colony, and about the same distance from the water tank. The pump house was about 100 yards farther on.

Chairman WALSH. And due west?

Capt. VAN CISE. The pump house was due north.

Chairman WALSH. And your camp?

Capt. VAN CISE. From the colony?

Chairman WALSH. Yes.

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Capt. VAN CISE. It would be southwest.

Chairman WALSH. Southwest?

Capt. VAN CISE. On a diagonal; yes.

Chairman WALSH. Now, where was Water Tank Hill?

Capt. VAN CISE. From the military camp?

Chairman WALSH. The tent colony.

Capt. VAN CISE. From the colony it is almost due south.

Chairman WALSH. Almost due south. Did you understand that there were any men at that place that morning?

Capt. VAN CISE. On Water Tank Hill?

Chairman WALSH. Yes.

Capt. VAN CISE. The soldiers came from over the hill immediately after Lieut. Lawrence, who was going ahead in military formation—what is called a point—a few men preceding the balance of the troops two or three hundred yards. So they arrived on Water Tank Hill about the time Lieut. Lawrence reached the major at the Ludlow station.

Chairman WALSH. Up to that time there had been no trouble, as I understand it?

Capt. VAN CISE. No.

Chairman WALSH. No shots had been fired?

Capt. VAN CISE. No shots had been fired. There had been friction in the colony between the detail and Louie over the refusal of Louie to turn over the man.

Chairman WALSH. When were these bombs exploded?

Capt. VAN CISE. I couldn't tell you the exact time, but some time about the time the firing began.

Chairman WALSH. About the time that the firing began?

Capt. VAN CISE. Yes. You see, of course, this is all hearsay as far as I am concerned.

Chairman WALSH. I understand this is what you learned after you got back there.

Capt. VAN CISE. What I was told.

Chairman WALSH. You say, I believe, there seemed to be a general agreement among the citizens that were there and the leaders as to that?

Capt. VAN CISE. Yes.

Chairman WALSH. Did you know the man that ran the pump house for the railroad there, Mr. Low?

Capt. VAN CISE. I didn't know him at that time. I met him after we went out later, a few days later.

Chairman WALSH. You don't know whether he was there that day when you went down or not?

Capt. VAN CISE. No.

Chairman WALSH. I mean you didn't recognize him?

Capt. VAN CISE. No. He told me a few days later that he had run to the arroyo with his little girl as soon as the fight started; that his little girl came running in to him and said, "Papa, they are running from the colony; there is going to be a fight." He took his little girl and a few of his things and ran to the arroyo, and finally went out on down the arroyo.

Chairman WALSH. Where did you find that the shots were fired from? Did you understand that the first shots were fired by the strikers?

Capt. VAN CISE. Yes.

Chairman WALSH. When were they fired with reference to the setting off of the bombs?

Capt. VAN CISE. Shortly before.

Chairman WALSH. What steps, if any, did you take to secure an investigation down there, Captain?

Capt. VAN CISE. Why, when I heard these three prisoners had been killed, it looked to me like a serious proposition. There had been a tremendous amount of talk in the papers about the alleged murder of the women and children. I was absolutely convinced that was an accident—everyone was down there—but I thought that the stories about the murder of the prisoners were very serious and should be investigated. So I called upon a captain in the guard, who was a very close friend of mine, and we talked it over, and we decided that we would talk to Gen. Chase about the matter. We went to Gen. Chase and spoke to him, I guess about 9 o'clock in the evening, 9 or 10 o'clock in the evening, and told him that—

Chairman WALSH. Where was Gen. Chase at that time?

Capt. VAN CISE. In the station at Ludlow; told him it looked like murder had been committed there, and that the murder should be investigated. But Gen. Chase was very busy with matters there, and he did not take it up at that time at all.

Chairman WALSH. When was that that you asked the general to take it up?

Capt. VAN CISE. That was the night of April 24. I was going to be married the next evening, April 25, so I was very anxious to get home. In fact, I did not want to go back to the field at that time, and Gen. Chase very kindly allowed me to return to Denver that night.

Chairman WALSH. The 24th?

Capt. VAN CISE. Yes. Told me if conditions were quiet down there, I could stay away a few days; use my own judgment, and if it got serious to come back again. When I got back to Denver I believed the situation in regard to these three prisoners was so serious it should be presented to the governor. So I called up Capt. Danks, who had been assistant judge advocate in the field and who was a prominent member of the Democratic Party and who had not been called into the field this last time. He came to my office and we talked the matter over, and I thought it should be presented to the governor. So he phoned the governor and the governor said to come right up. We came up and talked the matter over with the governor.

Chairman WALSH. What date was that?

Capt. VAN CISE. That was Saturday morning at 10 o'clock; the 25th.

Chairman WALSH. April 25?

Capt. VAN CISE. The governor was very much disturbed that morning; the capitol was full of people. There were wild rumors going around as to what had happened down there. We talked the matter over with the governor. I was quite insistent that some action should be taken, because it was my opinion that if murder had been committed it should not be concealed; it should not come out from the bottom, but it should be smashed from the top.

Chairman WALSH. What is the duty of a soldier in protecting the lives of prisoners?

Capt. VAN CISE. When a prisoner is taken his life is to be held inviolate, and it can only be taken by the consent of a proper tribunal. No matter what offense these men might have committed, they should have been held prisoners and turned over to the proper authorities. The troops would have been justified, in my opinion, in taking no prisoners in the first place, because they were outlaws against the State; but once prisoners their lives should be held inviolate.

So after our talk with the governor I returned to my office, and Maj. Boughton came to call on me and he wanted to know if I would serve as a member of a committee to go down and investigate this. I told him that I did not want to do so; that I was going to be married that evening and did not want to return to the field. He said, "Would you object to going down on the committee to be composed of Capt. Danks and myself?" meaning Maj. Boughton. I said, "I would have no objection to Capt. Danks, but I would prefer somebody else rather than Maj. Boughton." And after discussing things a while he said that I need have no fear on his score; that he would do all he could to aid the investigation. I tried very hard to get out of it. I did not want to go. But he said it looked like I would receive an order to go.

That evening about 6 o'clock Maj. Boughton phoned me and told me that the governor had appointed me on the board of officers to go down and investigate the Ludlow matter, and that I would leave at 11 o'clock. So I left for Ludlow that night with Maj. Boughton and Capt. Danks.

Chairman WALSH. How was the investigating committee formed?

Capt. VAN CISE. That night I got a telephone message from Maj. Boughton that the governor had ordered me to return to duty that night at 11 o'clock.

Chairman WALSH. Was the investigation made upon the ground?

Capt. VAN CISE. Yes.

Chairman WALSH. Well, then, what I meant was, how you organized?

Capt. VAN CISE. What went on in that committee I would be unable to state to you gentlemen because an oath was taken by the board of officers that the proceedings before us should only be reported to the constituting authority, except only to a court of justice, so that our report is the public record of what went on.

Chairman WALSH. Well, you mean by that that there is an oath required by your regulations?

Capt. VAN CISE. I am not sure whether the oath is required or not. It is quite customary for the oath to be taken for a board of inquiry.

Chairman WALSH. Who suggested that the oath be taken?

Capt. VAN CISE. I couldn't tell you anything that went on in the commission, because we were under oath, unless the governor or Gen. Chase, or both, would release me from the oath.

Chairman WALSH. Gen. Chase, is it all right for Capt. van Cise to go ahead and state what occurred?

Gen. CHASE. Why, most certainly.

Chairman WALSH. Did you speak to the governor before you were subpoenaed—I understand you are at perfect liberty to testify as to the proceedings?

Gen. CHASE. It is true the oath is required and is customary.

Chairman WALSH. There is no objection to his making a statement here now?

Capt. VAN CISE. Just a moment. I am not quite sure whether I was appointed by the governor or Gen. Chase. Major Boughton told me the night of April 25, when he gave me the order, that the governor had appointed me. When we reached Ludlow, he said Gen. Chase had appointed me. Hence I don't know which story to believe; and I would much prefer to get the governor's permission straight.

Chairman WALSH. Sergeant at Arms, will you please step—

Capt. VAN CISE. I would like to go down with the sergeant at arms.

Chairman WALSH. Please step down one minute with the captain and tell the governor that the captain has some scruples about testifying on account of his oath, but that Gen. Chase is present before the commission and says there is no objection whatever to him stating what took place before the commission.

You may make the statement yourself, Captain.

(At 11.20 the witness left the stand, accompanied by the sergeant at arms.)

Chairman WALSH. We will take a recess of five minutes.

(At 11.21 a recess was taken until 11.30.)

Chairman WALSH. Before this investigation started, Captain, did you have any conversation with the other members of the commission, either Capt. Danks or Maj. Boughton, as to the way in which the investigation was to be held and the witnesses that were to be called?

Capt. VAN CISE. I think not, until we met as a board. Capt. Danks and I went around trying to look up some evidence so that we could bring it before the board.

Chairman WALSH. What evidence did you discover before the investigation started?

Capt. VAN CISE. Practically none, Mr. Walsh.

Chairman WALSH. Practically none?

Capt. VAN CISE. We were looking in new fields other than those I had been to before the commission was appointed.

Chairman WALSH. I will ask you this question: Did you have any conversation with Capt. Danks and Maj. Boughton after you got into the investigation room with reference to the witnesses that were to be called?

Capt. VAN CISE. Whatever went on in there would be covered by my oath, Mr. Walsh.

Chairman WALSH. And you do not feel that you can answer on account of the oath you took when you went in there?

Capt. VAN CISE. That is correct.

Chairman WALSH. You have not been released from your oath by the governor?

Capt. VAN CISE. I have not.

Chairman WALSH. Now, how long did that investigation last?

Capt. VAN CISE. We commenced our session on Sunday and continued, I think, until Wednesday night.

Chairman WALSH. You construe your oath to be—I have never seen it—do you know whether or not it is a part of the military regulations?

Capt. VAN CISE. I believe it to be; yes, sir.

Chairman WALSH. And you understand that that covers anything that took place?

Capt. VAN CISE. Yes.

Chairman WALSH. Whether in the way of testimony or conversations between the officers or anything else after the investigation began?

Capt. VAN CISE. I believe so; yes, sir.

Chairman WALSH. That would include the witnesses called or the witnesses that you failed to call?

Capt. VAN CISE. Yes, sir; everything that transpired before us in any way, shape, or form.

Chairman WALSH. Was Mr. Low called, the man that was at the——

Capt. VAN CISE. I wouldn't be able to tell you who was or who was not called.

Chairman WALSH. On account of your oath?

Capt. VAN CISE. Yes.

Chairman WALSH. Was the finding of the body, the final finding of the body, so far as you were concerned, a fair and honest finding?

Capt. VAN CISE. It was absolutely so.

Chairman WALSH. In your opinion——

Capt. VAN CISE. I would have refused to sign anything I did not believe to be the truth or that did not state absolutely the facts. I think it was as thorough an investigation as we could make. I want to add—just a moment—I want to add one thing with regard to that, a few days after I got back to Denver, Mr. McLennan, the president of the miners in this State, met me on the street and he told me that that was the fairest report that would ever be written of the Battle of Ludlow.

Chairman WALSH. Have you that report with you?

Capt. VAN CISE. I have; yes, sir.

Chairman WALSH. Just read it into the record.

Capt. VAN CISE. It is quite a long report.

Chairman WALSH. How many pages?

Commissioner WEINSTOCK. Just read the findings.

Capt. VAN CISE. The conclusion really is at the first part of the article.

Chairman WALSH. Please pass that up and let us look at it. I want to get an idea of it.

Capt. VAN CISE. That is a newspaper copy. But I have checked it through and know it to be correct.

Chairman WALSH. Read the part you think would give us the heart of the thing, simply the conclusion, and then you can submit the balance for the record.

(The witness here read certain portions designated at the request of the chairman.)

(For full text of report, see Van Cise Exhibit No. 1.)

Capt. VAN CISE. That was the summary of the report.

Commissioner WEINSTOCK. I think that is all.

Chairman WALSH. What was the character of the men composing the National Guard units at Ludlow on April 20?

Capt. VAN CISE. I was not there on April 20.

Chairman WALSH. You knew who were? You know who were there?

Capt. VAN CISE. Company B of the Second Infantry was there under command of Maj. Hamrock.

Chairman WALSH. Who was Maj. Hamrock?

Capt. VAN CISE. He was major of the First Infantry.

Chairman WALSH. What was the personnel of the other officers that were left there on the 20th?

Capt. VAN CISE. Three lieutenants.

Chairman WALSH. Who were they?

Capt. VAN CISE. Lieuts. Linderfelt, Lawrence, and Bigelow.

Chairman WALSH. What was the personnel of the men who were with them, if you know?

Capt. VAN CISE. They had 32 men. Of the 32, I think 16 or 18 were men who had been transferred from other organizations to this company. These transfers came from Company A, First Infantry, Company A, Second Infantry, I think Company C of the Second Infantry, and a few from Company L of the First Infantry.

Chairman WALSH. Had any of them been mine guards or deputy sheriffs prior to this time?

Capt. VAN CISE. Yes, sir.

Chairman WALSH. How many of them?

Capt. VAN CISE. I don't know; quite a few.

Chairman WALSH. Could you approximate of the 32?

Capt. VAN CISE. Not from personal knowledge, no, Mr. Walsh.

Chairman WALSH. Have you heard from any source within the military as to how many there were, mine guards or deputy sheriffs?

Capt. VAN CISE. Yes, sir; it would simply be hearsay. I was told by an officer that there were 17 enlisted on the 1st day of November, when we went into the district.

Chairman WALSH. I mean in those 32 that were at Ludlow on the 20th.

Capt. VAN CISE. Somewhere between 5 and 10.

Chairman WALSH. How were the troops paid, sheltered, and provisioned after the State funds were no longer available?

Capt. VAN CISE. Well, all the time we were down there in the field we received food and shelter. The pay was very late in coming to us, but we finally got it after returning to Denver.

Chairman WALSH. Was there any line drawn between the time the State funds ran short and the end of the service?

Capt. VAN CISE. When we were in the field first we were paid with certificates of indebtedness, which we immediately cashed at bank. Later, we got certificates of indebtedness and had to place them wherever we could, because there was no money to meet them.

Chairman WALSH. Did the troops at Ludlow, or elsewhere, to your knowledge, use machine guns or other weapons owned by the mining company?

Capt. VAN CISE. I think every machine gun that belonged to the coal operators was taken up at the time we took up the arms from the mine operators. The mine operators turned in, as I understand it, every gun, and the rifles and pistols were sent to Trinidad and the machine guns were sent back to the company from which they procured them.

Chairman WALSH. Did any machine guns remain in the field, or come into the field again after they had been taken from the mining companies?

Capt. VAN CISE. There were only two machine guns that I saw, one at Aguilar and one at Berwind Canyon.

Chairman WALSH. Have you ascertained any facts as to the fire at Ludlow since your investigation as a military committee?

Capt. VAN CISE. Yes, sir.

Chairman WALSH. Please detail them.

Capt. VAN CISE. Why, the facts corroborated the story of the fight as we gave it in our report.

Chairman WALSH. What new and additional facts did you gather?

Capt. VAN CISE. Simply in regard to the killing of these three prisoners.

Chairman WALSH. What were these, please—those that you gathered after your investigation?

Capt. VAN CISE. Why, they all pointed to a murder of the prisoners.

Chairman WALSH. Do you feel free to state why you did not subpoena Mr. Low, the pump man at Ludlow?

Capt. VAN CISE. Why, I guess it would be a fair answer to that question, that Mr. Low—I am pretty certain Mr. Low was called before us.

Chairman WALSH. You are pretty sure he was called before you?

Capt. VAN CISE. Yes, sir.

Chairman WALSH. Did you subpoena any other railroad men that were there at that time?

Capt. VAN CISE. I don't believe I can tell you in regard to that, Mr. Walsh.

Chairman WALSH. Your committee, or your commission—the commission consisting of yourself, Maj. Boughton, and Capt. Danks did not make any finding holding any particular person responsible for the murder of these prisoners, if it was a murder?

Capt. VAN CISE. No. The only finding we made was that Lieut. Linderfelt hit Tikas over his head with a rifle; and we said the evidence before us was conflicting as to whether these men were compelled to run or were shot while trying to escape.

Chairman WALSH. Were the homes of the mine officers in any instances searched for arms when the miners' houses were searched?

Capt. VAN CISE. Of the mine officers?

Chairman WALSH. Yes, sir.

Capt. VAN CISE. You see, in the early part of the strike I did not have command over any coal company camps, so I could not state.

Chairman WALSH. Well, I will ask you in the searches you made did you search any localities in which superintendents or other mine officers resided?

Capt. VAN CISE. No; I did not. I searched only the town of Ludlow and the colony of Ludlow.

Chairman WALSH. Did you make any searches except under order?

Capt. VAN CISE. Yes; I searched one, not under orders. When I went out to investigate the alleged robbery of a farmhouse, I followed the tracks to this Greek ranch, about 10 miles east of Ludlow; and in searching for the other stolen goods I found these rifles and revolvers.

Chairman WALSH. Were there any houses at Ludlow in which mine superintendents or pit bosses lived?

Capt. VAN CISE. No. You see Ludlow is just a railroad hamlet. It is a shipping point for the coal companies that have their camps in the vicinity.

Chairman WALSH. I wish you would state what you observed as to the social and political conditions of the mining towns and camps in which you were located with your company in the strike down there?

Capt. VAN CISE. I had Hastings, Delagua, Forbes, and Rameyville, those four camps under my immediate control at some time or other. I observed Aguilar, the Southwestern mine, and the three camps up Berwind Canyon. The camps of the Victor-American, at Hastings and Delagua, I believe, were by far the best camps in that neighborhood. The houses seemed to be better, the canyon was more open, and they seemed to be much cleaner. With the exception of the C. F. & I. camp at Berwind, most of the houses were frame. In Berwind they had concrete houses that seemed to be very well built, and a superior class of house. In Delagua about half the houses were brick. They impressed me as the ordinary type of miner's houses, except at Forbes. Forbes is a pretty narrow, dirty canyon, and a place where they have to look around very carefully to find a location for a house. The living facilities, I should say, on the whole, were fair. The school facilities are at least good. I believe that in the coal camps the real cause for complaint of the miners is the un-American conduct of the closed camps; that is, the camps are absolutely closed to anybody but the people that the companies wished to have in the camp. Consequently there is very little freedom of action.

Chairman WALSH. Were English-speaking strikers in the town or in the camp in the tent colony?

Capt. VAN CISE. There might have been a few strikers in Ludlow town; I don't know of any. Nearly all of them were in the colony itself.

Chairman WALSH. That included both English-speaking and non-English-speaking strikers?

Capt. VAN CISE. Yes; and when we took a census of the men in the colony, we took the names of all the men in the colony; and I think that out of 270 men we found only about 5 Americans. The rest were foreigners.

Chairman WALSH. Could a good many of the foreigners speak English or not?

Capt. VAN CISE. I should say about half of them could.

Chairman WALSH. I wish you would state anything else you observed as to the political and social phenomena that existed in these camps. When I interrupted you you were speaking of the closed condition of the camp being a source of irritation to these men, as they expressed it to you.

Capt. VAN CISE. After I got back from the field I wrote an article for my own files, so I have memoranda available, and I will read you an extract or two from that, as to my views:

"On the merits of the strike much can be said on both sides. A premise to any fair statement must be that there is little law in Las Animas and Huerfano Counties, where operators and miners are participants. Personal injury cases against operators are doomed to defeat. The sheriff's office is the employee of the corporation, and representative government exists only on paper. The coal mines are in narrow, barren canyons, almost devoid of water, on lands owned or leased by the companies. The houses in the main are good, the majority electric lighted, and the rents are reasonable. The company stores sell at the same price as the same goods sell in Trinidad, and carry stocks far larger and more diversified than do the independent traders adjoining the coal camps. The school facilities are at least average, and the school building is the usual place for the moving-picture shows, dances, and other entertainments of the camp; but it is not open for any assembly of men to discuss social welfare, wages, or law enforcement, nor are the men allowed to go there for that purpose. The employment of mixed nationalities also keeps the men from gathering."

My general impression down there, Mr. Walsh, was that in regard to violence the strikers had more to gain from violence than the operators. The operators have to risk having their mines burned up, their properties destroyed, and their men run off, whereas the strikers had little to lose. And in a great majority of the cases the violence indulged in by the strikers was before I arrived in

the field, but I find from observation that in nearly every canyon the situation was different. In one place you would find a mining company that was very good toward its men, and toward the strikers in the vicinity; that is, the mine guards stayed on its own property and behaved themselves. At the very next canyon you might find where the mine guards had gone out and precipitated trouble, and in one place you would find that the strikers had started the trouble. It seemed to be pretty nearly six of one and a half dozen of the other. Later, it seemed like the strikers had more of an ascendancy and were trying to push on their advantage.

After the Battle of Ludlow, however, there was hardly an instance in which the strikers were not the aggressors. The case I know of personally, and the only case I know of personally, was the Battle of Forbes. The night before the Battle of Forbes we were in camp at Ludlow and reliable information was received that the Forbes camp would be attacked by the strike breakers at dawn. Several of the officers went to the officer in command of the camp and begged for permission to take their company down and protect the camp; and we were told that under the orders of the governor no troops could go south of Ludlow. The next morning about 4 o'clock we were awakened by the rattle of small arms and a machine gun. That was very audible, coming from the direction of Forbes, about 5 miles away. The fighting was quite intense for a while and then died down. We could not go to the rescue of that camp. That resulted in an immense amount of dissatisfaction among the men in the camp. Our companies all felt that they were being condemned as cowards by the people there, and the Rocky Mountain Fuel Co. felt that they would be murdered and no effort made to protect them in any way, shape, or form.

Chairman WALSH. I want to ask you this question: Is it your opinion that the employment of guards led to violence on the part of the strikers, or that violence on the part of the strikers led to the employment of the guards? In other words, which was the cause and which the effect?

Capt. VAN CISE. I was not down there, of course, until the 28th of October. All that happened before that is simply from hearsay and from what I tried to find out. It looked like the situation or condition in nearly every canyon differed. In some canyons it looked like employment of the guards had precipitated trouble, and in other canyons it looked like the procuring of rifles by the strikers was the cause of the trouble.

Chairman WALSH. Do you know what the political and social powers of the mine superintendent in the various camps are?

Capt. VAN CISE. Well, the mine superintendent was the absolute boss of the closed camps. The camp marshal carried out his orders, was the police force, the health officer, and could arrest various parties and bring them before the justice of the peace; and I always thought that the strikers had a just complaint on being ordered out of the canyons. Of course, it was coal-company property, private property. But they had practically no rights, once they got on the private property of the coal operators.

Commissioner WEINSTOCK. Will you repeat that, please? I did not catch that.

Capt. VAN CISE. I said I thought that the strikers had a just complaint on the closed camps of the operators. When you get in a closed camp you are either allowed to own no property, or if you own any your rights in the camp are absolutely subject to the coal companies. Now, the coal companies are in some cases, of course, tyrannical, and in other cases they are fair—very fair; but it makes a very bad situation. If any person is in the camp where the company owns it, if he doesn't do as wanted he can be ordered out of the camp. I always thought that the strikers had a very just grievance in the un-American operation of the coal camps.

Chairman WALSH. Are the employees permitted to maintain their lodges and other societies?

Capt. VAN CISE. There was one lodge of Montenegrins at Berwind. I never made any investigation, but I know one lodge was maintained there, or had been.

Chairman WALSH. I am going to ask you a general question: In your opinion, did constitutional democratic government exist in those camps in which you were located, as you understand it from your days at school and from your observation since you have left school?

Capt. VAN CISE. It did, except that the sheriff, as nearly as I could judge, was absolutely dominated by the coal companies in Las Animas County. I was not in Huerfano County and could not say. The sheriff was absolutely friendly

with the company and hostile toward the strikers. Of course, he gave for his excuse for that that the strikers had been continuously assaulting his deputies. But in a coal camp it don't exist in the full sense of the term, because the men are not free to act as they see fit.

Chairman WALSH. I will ask you the question: If the civil or property rights of the individual, as known in the other parts of the United States, exist in those closed camps?

Capt. VAN CISE. I do not believe so. I do not believe that property was sold to any of the employees.

Chairman WALSH. Please state what you know, if anything, about the treatment of prisoners by the military authorities.

Capt. VAN CISE. I know nothing, except the prisoners that I actually had.

Chairman WALSH. And your treatment of those prisoners was proper, as you describe it?

Capt. VAN CISE. I think so. We compelled them to work, of course.

Chairman WALSH. Do you know by hearsay or by any means whether or not what is commonly known in police circles as the "third degree" was ever administered to prisoners that had been arrested and charged with crime, in an effort to force them to confess?

Capt. VAN CISE. There has been all sorts of assertions on both sides of that, that I have heard; but nothing I would express an opinion on.

Chairman WALSH. Nothing you think of sufficient credit to detail to the commission?

Capt. VAN CISE. No; I have heard so much on both sides. There has been a lot of talk on both sides. I know nothing from my own personal knowledge in any way, shape, or form.

Chairman WALSH. Were you ever directed to recruit mine guards for your company?

Capt. VAN CISE. No, sir.

Chairman WALSH. You will be excused.

(Mr. van Cise submitted an article entitled, "The Colorado Strike Situation," which is printed as "Van Cise Exhibit No. 2.")

We will call Maj. Danks.

TESTIMONY OF MAJ. WILLIAM C. DANKS.

Chairman WALSH. State your name, please.

Maj. DANKS. William C. Danks.

Chairman WALSH. What is your business?

Maj. DANKS. Attorney at law.

Chairman WALSH. How long have you lived in the State of Colorado?

Maj. DANKS. About eight years.

Chairman WALSH. Are you a member of the Denver bar?

Maj. DANKS. Yes, sir.

Chairman WALSH. How long have you resided in Denver?

Maj. DANKS. Eight years.

Chairman WALSH. Were you ever a member of the National Guard?

Maj. DANKS. Of Colorado?

Chairman WALSH. Yes, sir; of Colorado.

Maj. DANKS. Yes, sir.

Chairman WALSH. What is your connection with the guard? What is your rank?

Maj. DANKS. Well, I have been a member all the way from private up to major.

Chairman WALSH. Did you go out with the first troops that were called out by the governor?

Maj. DANKS. In the last strike?

Chairman WALSH. Yes.

Maj. DANKS. Yes, sir; I did.

Chairman WALSH. Was that your first service in a strike region?

Maj. DANKS. Well, I would hardly say so. I was in the Spanish-American War, and, in fact, have been connected with the National Guard of Illinois and of Colorado ever since 1898.

Chairman WALSH. Well, confining it to Colorado, was that your first experience in the industrial disturbance?

Maj. DANKS. My first experience; yes, sir.

Chairman WALSH. Where were you detailed to go?

Maj. DANKS. Hastings and Delagua.

Chairman WALSH. I wish you would state briefly your opinion as to the cause of feeling that came up between the National Guard and the strikers leading up to the trouble at Ludlow.

Maj. DANKS. I don't know that I am in a position to say much on that subject.

Chairman WALSH. Have you any opinion of what caused the feeling between the strikers and the National Guard?

Maj. DANKS. I have some opinion, but it would be based entirely upon what others have told me. My duties did not bring me in contact with the mine guards nor with the militia in the field at all.

Chairman WALSH. What were your duties?

Maj. DANKS. I was assigned to the judge advocate's department and spent part of my time at Trinidad and part at Walsenburg, so really I did not have a chance to associate with other—with either of the elements as they came in contact with each other.

Chairman WALSH. To your knowledge, were there any mine guards, strike breakers, or other employees of the operators in the National Guard?

Maj. DANKS. I think it is generally understood there were a few.

Chairman WALSH. Was protest made by yourself or any officer of the National Guard against the enlistment in the National Guard of mine guards, strike breakers, or other employees of the operators?

Maj. DANKS. There was none by me.

Chairman WALSH. Did you hear of any being made by anyone else?

Maj. DANKS. I could not say that I did.

Chairman WALSH. Were you acquainted with the personnel of the National Guard units at the Ludlow on April 20?

Maj. DANKS. No, sir; I was not.

Chairman WALSH. Did the troops at Ludlow use the machine gun owned by the Colorado Fuel & Iron Co.?

Maj. DANKS. Our investigation disclosed that they did.

Chairman WALSH. Have you ever been asked to accept mine guards, strike breakers, or other employees of the operators for enlistment in your company?

Maj. DANKS. Not that I know of. I did not have charge of my company. I was relieved and never went back to the company.

Chairman WALSH. To your knowledge was anyone ever requested to accept guards or strike breakers for enlistment in any company you are familiar with?

Maj. DANKS. That is entirely foreign to me—it was at that time—and I am not advised.

Chairman WALSH. Did you know anything of an armored automobile owned by the Colorado Fuel & Iron Co. that was said to have been used by officers of the Colorado National Guard in the strike zone?

Maj. DANKS. I understand that the automobile used by the judge advocate's department that I was assigned to was at one time an armored car. There was no indication of it, but I have understood it generally.

Chairman WALSH. Were you acquainted with Lieut. Linderfelt?

Maj. DANKS. Yes, sir.

Chairman WALSH. What sort of a man was he—Lieut. Linderfelt—E. K. Linderfelt?

Maj. DANKS. So far as I have known him, he is a well-educated man, quite an intelligent-appearing man. He had had considerable experience, I think, in Mexico, and I think was quite well posted in guerilla warfare and the like of that.

Chairman WALSH. What were his personal characteristics, if you know.

Maj. DANKS. Personally, so far as I know anything about him by being in contact with him, he was a gentleman in every respect. At times he would use profane language, but there may have been provocation.

Chairman WALSH. Did you ever protest to the general that Lieut. Linderfelt was not a proper man to be in a position of authority in the National Guard?

Maj. DANKS. Not in those words; no. I did at one time take it up with Col. Boughton—I took up with him to the effect that, not knowing whether Lieut. Linderfelt was guilty of charges made or not, yet for the good of the service it might be well to eliminate him for the good of the service.

Chairman WALSH. When was that?

Maj. DANKS. Long before the Battle of Ludlow. That is, when we were in the field.

Chairman WALSH. How is that?

Maj. DANKS. It was when we were in the field; it was quite a while before the Battle of Ludlow.

Chairman WALSH. Approximately how long before the Battle of Ludlow was it?

Maj. DANKS. That I could not state; it was while I was there at Trinidad and about the time of the newspaper comment. I formed no opinion as to his guilt or innocence, but felt that for the good of all concerned it might be well to eliminate him.

Chairman WALSH. Please state whether or not any third-degree methods were used by the officers or agents of the military to extract confessions or information from the strikers or others under arrest?

Maj. DANKS. Not to my knowledge. I had immediate charge of Mr. Ulich myself.

Chairman WALSH. Who?

Maj. DANKS. Robert Ulich.

Chairman WALSH. Please state the circumstances about Ulich.

Maj. DANKS. I don't know that it would bear on the subject only my knowledge as to the fact would be with that particular prisoner.

Chairman WALSH. What were the circumstances of the treatment of that particular prisoner?

Maj. DANKS. Now, I don't know what he says about it. He was in there and I personally took books and things over to him.

Chairman WALSH. In where was he?

Maj. DANKS. In the jail at Trinidad.

Chairman WALSH. What was he charged with?

Maj. DANKS. We filed no charges against anyone; we just put them in jail and detained them.

Chairman WALSH. Why did you mention his name?

Maj. DANKS. I spent the most of my energies and time in trying to see that the governor and the military did nothing but what was upheld by the law of the land, and in the case of detention I was careful to see that that alone was carried out and that no punishment inflicted, but that they were simply detained.

Chairman WALSH. And, so far as you were concerned, you did not apply any unlawful methods, or any force or violence to any prisoner?

Maj. DANKS. No, sir.

Chairman WALSH. Or do you know of any prisoner that did?

Maj. DANKS. No, sir; and in my visits to the jail I came in contact with other prisoners and observed nothing.

Chairman WALSH. Did any of them make any complaint to you that they had been improperly treated in attempting to extort confessions from them?

Maj. DANKS. No complaints to me.

Chairman WALSH. No complaint to you?

Maj. DANKS. No, sir. I think some affidavits were made, but they did not come under my control?

Chairman WALSH. Who made the affidavits?

Maj. DANKS. I think it was Mario Zena.

Chairman WALSH. To whom were the affidavits given?

Maj. DANKS. That I could not say; they were probably given to Mr. Lawson or some—

Chairman WALSH. This name which you mentioned, I wish you would briefly state why you mentioned that name; I do not understand why you mentioned it.

Maj. DANKS. I mentioned it—I mean to say that he was the only prisoner I had immediate charge of, and that to my knowledge there were no—nothing bordering upon third-degree tactics in any instance.

Chairman WALSH. And no claim that any such treatment was accorded anyone?

Maj. DANKS. I never heard of it.

Chairman WALSH. Or this man you speak of?

Maj. DANKS. No; he is an able man and very fluent, and he would have stated it if there had been anything of the kind.

Chairman WALSH. That is all; thank you, Major; you will be excused.

TESTIMONY OF GEN. JOHN CHASE.

Chairman WALSH. State your name, please.

Gen. CHASE. John Chase.

Chairman WALSH. What vocation do you follow in civil life, General?

Gen. CHASE. Physician.

Chairman WALSH. How long have you been connected with the National Guard of the State of Colorado?

Gen. CHASE. I joined in 1888—1887 or 1888—and served for a few months and then resigned and returned to the service in 1895, and, with the exception of about three months, have been in the service ever since.

Chairman WALSH. Please state how long you have held the office of adjutant general.

Gen. CHASE. Since April, 1909.

Chairman WALSH. Please state as fully as you can, without going into detail, your experience as manager of the troops in the strike zone, Gen. Chase.

Gen. CHASE. Please ask me specific questions.

Chairman WALSH. When did you first act as manager of the troops in the strike zone of Colorado?

Gen. CHASE. In 1903 at Colorado City.

Chairman WALSH. How long did that strike last?

Gen. CHASE. Twenty-three or twenty-four days.

Chairman WALSH. How many troops were in the field at that time?

Gen. CHASE. About 400.

Chairman WALSH. Did they engage in any battles?

Gen. CHASE. No, sir.

Chairman WALSH. None whatever?

Gen. CHASE. No, sir; a few shots were fired.

Chairman WALSH. Were any persons killed by the troops, or any militia killed by the others?

Gen. CHASE. No, sir.

Chairman WALSH. That was when?

Gen. CHASE. In March, if I remember, 1903, at Colorado City.

Chairman WALSH. Were you in the——

Gen. CHASE (interrupting). I was not adjutant general then.

Chairman WALSH. Were you in any other strike preceding that, in any capacity in the militia?

Gen. CHASE. Yes, sir.

Chairman WALSH. Where was that?

Gen. CHASE. At Leadville.

Chairman WALSH. When?

Gen. CHASE. In 1896 or 1897.

Chairman WALSH. How long were you in the field at that time, General?

Gen. CHASE. I think continuously about six weeks.

Chairman WALSH. What was your rank in the military at that time?

Gen. CHASE. First lieutenant of cavalry.

Chairman WALSH. Were there any casualties in that strike?

Gen. CHASE. I do not think so.

Chairman WALSH. You do not recall any?

Gen. CHASE. No.

Chairman WALSH. Did you have any battles?

Gen. CHASE. No, sir; there was a battle before we went in there in which a large number of men were killed.

Chairman WALSH. Sir?

Gen. CHASE. I say, there was a battle before we went in there in which a number were killed.

Chairman WALSH. But none in which the militia was engaged?

Gen. CHASE. No, sir; we had several skirmishes and were fired on several times.

Chairman WALSH. How many men were in the field at that time?

Gen. CHASE. About 800 would be the maximum.

Chairman WALSH. About 800?

Gen. CHASE. Yes.

Chairman WALSH. Were you engaged in the strike area when men were deported during the strike?

Gen. CHASE. That was at Cripple Creek later.

Chairman WALSH. Were you in the field at that time?

Gen. CHASE. They were not deported while I was in command.

Chairman WALSH. Do you know anything personally about that?

Gen. CHASE. No, sir.

Chairman WALSH. When did you first assume charge of the strike zone in the present strike?

Gen. CHASE. October 28, 1913.

Chairman WALSH. Describe the situation as you found it when the National Guard first went into the strike zone.

Gen. CHASE. I found in a territory 100 miles long a condition of turmoil and terror, each side of the controversy being in mortal fear of the other and each side welcoming the arrival of the troops and recognizing the absolute failure of the civil authorities to preserve peace.

Chairman WALSH. Please state the attitude of the strikers to yourself when you first went in there.

Gen. CHASE. Suspicious at all times.

Chairman WALSH. What was their conduct toward your company?

Gen. CHASE. Four days after we arrived there they murdered four men at La Veta, and a few days after we came there was another murder at Aguilar, and they blew up property up Purgatoire River in two or three places.

Chairman WALSH. When was that?

Gen. CHASE. A few days after we came, and burned the Southwestern tippie.

Chairman WALSH. What was their conduct toward yourself and the troops?

Gen. CHASE. Always suspicious.

Chairman WALSH. What was their outward manifestation of it? Were they hostile and used bad language?

Gen. CHASE. Yes, sir. On Saturday night after we reached there—

Chairman WALSH (interrupting). What was the day you went there?

Gen. CHASE. I think probably Friday—no; it was Sunday we were called out. I think we got down there about Monday or Tuesday.

Chairman WALSH. What were your orders as to disarming the mine guards and strikers in the strike zone and also—

Gen. CHASE. In some cases we disarmed both the mine guards and the strikers—in some places some of each, and in other places none of each. In Starkville 200 guns were in the hands of the strikers, and they were registered, with Capt. Frost in command—a description of the guns registered. When we thought that the men were not telling the truth their houses were searched and the guns taken.

Chairman WALSH. How were the orders given as to the search for guns, say—would that apply to the houses of mine officials as well as mine workers?

Gen. CHASE. Yes, sir.

Chairman WALSH. Go ahead, General.

Gen. CHASE. In some districts the guns were taken entirely out of the operators' hands; in others, registration was made of them.

Chairman WALSH. How many guns were turned in to your troops, General, first, by mine guards?

Gen. CHASE. I will have to see the record to tell that.

Chairman WALSH. Could you approximate it? We are just trying to get a more or less general idea.

Gen. CHASE. I removed 82 mine guards from Berwind Canyon. When we went up there they all had guns and they were all taken up, and the same thing from Hastings and Aguilar—in the neighborhood of 200 guns in that one district in the hands of mine guards.

Chairman WALSH. How many from the other districts?

Gen. CHASE. Well, we had something over 2,000 guns in our possession, and I think three-fourths of them were from the mine guards and the operators. I could not tell exactly except by looking over the list.

Chairman WALSH. I did not get the figures exactly that you gave.

Gen. CHASE. About 2,000 guns in our possession, and about three-fourths of them from mine guards and operators.

Chairman WALSH. And about how many from the mine guards and operators?

Gen. CHASE. About three-fourths of them.

Chairman WALSH. How were those arms—how would you describe them—as guns or rifles or revolvers?

Gen. CHASE. I could not state the proportion; no, sir.

Chairman WALSH. Please state when it became necessary to organize a military commission.

Gen. CHASE. The date of the order will show that better.

Chairman WALSH. Was this commission appointed to investigate the conditions at Ludlow?

Gen. CHASE. No, sir.

Chairman WALSH. What was it for?

Gen. CHASE. A commission to assist me in examining the prisoners. There were so many I could not do it all; that was a military commission and not a court.

Chairman WALSH. Who served upon that commission? Who was appointed on it?

Gen. CHASE. I can give you a copy of the order if you want it for the record.

Chairman WALSH. I prefer that. Where they can be obtained; we have copies of all of the orders.

Gen. CHASE. I have not published them; we have the originals.

Chairman WALSH. Will you have copies made and turn them over to us?

Gen. CHASE. Yes, sir.

Chairman WALSH. Then I will not ask you some questions which I had intended to.

(See Chase exhibit at the end of this subject.)

To what extent did the military commission in the Trinidad district supersede the civil authorities in trying men accused of unlawful acts?

Gen. CHASE. They never authorized or never tried the men.

Chairman WALSH. Were persons arrested by the military?

Gen. CHASE. Yes, sir.

Chairman WALSH. You say yes?

Gen. CHASE. Yes, sir; and the commission—the military commission examined them and made a report to me, Mr. Walsh, as to their judgment as to whether or not the particular man was guilty or it was necessary to detain him. The action was taken by myself; they were simply an advisory board.

Chairman WALSH. And, following the recommendation of the commission, the matter was presented to the civil court?

Gen. CHASE. To me, and I would act. Some were returned to the civil court and some released and some held.

Chairman WALSH. Those returned to the civil courts—did you have any further—exercise any further authority over them?

Gen. CHASE. I don't think I had occasion to.

Chairman WALSH. Were any persons deported or told to leave the district?

Gen. CHASE. None by my approval; I would have stopped it if I had heard of it.

Chairman WALSH. You say some were held—those were held without trial?

Gen. CHASE. Yes, sir.

Chairman WALSH. About how many altogether?

Gen. CHASE. I can give you a copy of the judge advocate's report on that.

Chairman WALSH. Approximate it, please.

Gen. CHASE. About 175 were tried—examined by the commission, as I remember it. Now, your question was how many were held?

Chairman WALSH. Yes; how many were held that were not turned over to the civil authorities?

Gen. CHASE. Some were held for a brief period and turned away. I don't recall any, except like Zancannelli, who murdered Belcher. He was turned over to the civil authorities for trial.

Chairman WALSH. What were the regulations in regard to the men belonging to the National Guard on the strike service as to their change? Did the personnel of the men on strike service change?

Gen. CHASE. Yes, sir.

Chairman WALSH. Why?

Gen. CHASE. Because many of our men are the sole support of families and others occupied positions of great authority, and it has always been the practice in this State to relieve those men as rapidly as possible and get other suitable men in their places.

Chairman WALSH. Were there any mine guards, strike breakers, or employees of the operators enrolled in the National Guard in the strike zone?

Gen. CHASE. I would have to look at the papers. We made no effort to get these men, but I know that some served in the guard that was afterwards found to have been such. I can get it from the record.

Chairman WALSH. Where do you keep those records?

Gen. CHASE. In my office.

Chairman WALSH. In this building?

Gen. CHASE. Partly in this building and part in the brigade headquarters in the Majestic Building.

Chairman WALSH. Did you finally analyze your enlistment?

Gen. CHASE. No, sir; I had no occasion to.

Chairman WALSH. How did you find out they were employed as mine guards?

Gen. CHASE. When the special session of the legislature convened it was a question they went into very deeply in regard to the personnel of Troop A and Company B, Second Infantry, and I made a careful analysis of those men when my attention was directed to it, and there must have been enlisted 11 mine guards in Troop A, as I remember it. We had about 2,000 men in the field at various times.

Chairman WALSH. Was that report to the legislature?

Gen. CHASE. Yes.

Chairman WALSH. Does it appear in the legislative proceedings?

Gen. CHASE. Yes.

Chairman WALSH. Was it printed?

Gen. CHASE. Yes, sir.

Chairman WALSH. That is the one you referred to?

Gen. CHASE. Yes, sir; those two organizations.

Chairman WALSH. Did you make any analysis of any of the others?

Gen. CHASE. No, sir.

Chairman WALSH. Would it be possible to do so?

Gen. CHASE. Yes; but it would be difficult, because many of the men in this western country are floaters. This analysis I made of the two organizations required my whole office force of all kinds for two days to get the facts about it.

Chairman WALSH. How did they happen to be enlisted?

Gen. CHASE. Who do you mean?

Chairman WALSH. The mine guards and strike breakers.

Gen. CHASE. When they were thrown out of employment they were seeking employment. Being relieved at the mines, many would come in for recruiting.

Chairman WALSH. Was there any compensation paid them other than was paid by the State?

Gen. CHASE. With the exception of those mine guards who worked at Sopris, who when they filled out their commission returned and the men that took part the next afternoon in the battle of Ludlow; I have been told they were paid by the mines just as others were paid by business houses.

Chairman WALSH. Was there any objection made to the enlistment of men who had been mine guards, in the National Guard?

Gen. CHASE. I can not think of any; not because they were mine guards.

Chairman WALSH. It was on account of their personal characteristics then?

Gen. CHASE. Yes.

Chairman WALSH. Please state how troops in the strike zone were paid; the soldiers and officers?

Gen. CHASE. Some have not been paid yet, of whom I am one. The first the governor arranged for was for \$150,000; that was to pay for horses and the men as far as it would go. That \$150,000 was finally paid. I think all of the men were paid their wages.

Chairman WALSH. Did the mine companies advance any money to take care of these things?

Gen. CHASE. Do you mean to individuals?

Chairman WALSH. Yes.

Gen. CHASE. Yes; for some services, I am told.

Chairman WALSH. They did not pay any money direct to the State for that service, then?

Gen. CHASE. No.

Chairman WALSH. I am requested to ask you why the legislature, if you know, selected the two companies you named for analysis?

Gen. CHASE. That is because they were in the field not uniformed and not officered at the time. Troop A was not, and the charge was made that they were entirely made up of gunmen, but there was no truth in it.

Chairman WALSH. Did you or your other officers consult with the mine companies over questions of policy concerning the policing of the strike zone?

Gen. CHASE. I had complaints, lots of them, but there was no consultation with anyone except the governor of the State.

Chairman WALSH. Did your troops use the machine gun or other weapons owned by the mine companies?

Gen. CHASE. Two guns used in the Ludlow fight were those of the mine companies.

Chairman WALSH. Did you use any of the ammunition that was taken from the mine companies or the strikers?

Gen. CHASE. Not that I know of; it would not have fitted our guns. Our ammunition is made by the Frankfort Arsenal.

Chairman WALSH. You did not use any of their ammunition in your guns?

Gen. CHASE. No, sir; not that I know of.

Chairman WALSH. Were any complaints made to you by soldiers or officers as to Lieut. Linderfelt, General?

Gen. CHASE. You mean while he was in the service?

Chairman WALSH. Yes; in the strike zone?

Gen. CHASE. No; a soldier does not complain of his superior officer. There were no charges filed against him. There was a great deal of criticism brought against him by the people, papers, and strikers.

Chairman WALSH. What did you state about a soldier not complaining about his superior officers?

Gen. CHASE. Soldiers do not complain to their commanding general about the habits of their superior officers.

Chairman WALSH. How do you get the complaints?

Gen. CHASE. File charges against him and have a court-martial and have it brought up.

Chairman WALSH. There were no charges filed against him, charging him with brutality or anything of that kind?

Gen. CHASE. By soldiers; no.

Chairman WALSH. By officers?

Gen. CHASE. No.

Chairman WALSH. Did you have any investigation made by any officers of his conduct of your own volition?

Gen. CHASE. Yes, sir.

Chairman WALSH. What officer?

Gen. CHASE. Maj. Hamrock had my order to investigate the incident of tripping a horse by the barbed wire and the alleged striking of a boy on the Ludlow station platform.

Chairman WALSH. Did you have any further investigation made by any other officer?

Gen. CHASE. Yes, sir.

Chairman WALSH. By whom?

Gen. CHASE. I think I went myself.

Chairman WALSH. Sir?

Gen. CHASE. I think I went up myself.

Chairman WALSH. You went up yourself?

Gen. CHASE. Yes.

Chairman WALSH. Does the adjutant general, under military ethics, take any action when charges are not filed—when written charges are not filed?

Gen. CHASE. I was not in the field as adjutant general. It seemed necessary for me to command the troops, and I could not command as adjutant general. The governor directed in his order that I should assume command of the troops.

Chairman WALSH. What was your rank?

Gen. CHASE. I was brigadier general by virtue of the office.

Chairman WALSH. A witness on the stand, Mr. Brewster, stated that you were—Prof. Brewster stated that you were in constant communication with Judge Northcutt; is that correct or not?

Gen. CHASE. He is the one particular man that disturbed us in the first two weeks down there more than any other, striker or operator.

Chairman WALSH. Who was that?

Gen. CHASE. Mr. Northcutt.

Chairman WALSH. Did you take any orders from him?

Gen. CHASE. Not from Mr. Northcutt.

Chairman WALSH. What did his disturbance consist of?

Gen. CHASE. Always telling me what to do and how to do it.

Chairman WALSH. Did you carry out his instructions as to what to do?

Gen. CHASE. I should say not.

Chairman WALSH. We will now take an adjournment until 2 o'clock. Please be back at that time, General.

(A recess was here taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. The commission will be in order. Gen. Chase will resume the stand.

Commissioner Weinstock has marked some testimony of another witness here, General, and said he thought, in justice to you, I should ask you the questions right from that record, which I will be glad to do [reading]:

"We had a conference with Gen. Chase. Now, certain things transpired there that, unless Gen. Chase will give me his permission to say, I will not mention, because they reflect upon his ability as a commander. They reflect upon his temperament. He and I agreed that the matter was over. It was all taken down stenographically, and he promised a full stenographic report of our communication and his talk with us and our talk with him, but we tried several times to get it and it was never obtainable. We did not want to be put in the hole by publishing what had not been said and done there, but we wanted that for our own use. He promised it to us and we sent for it several times, but he never gave it to us."

Do you know to what that refers, General?

Gen. CHASE. Yes, sir. There was a pretty sharp difference of opinion between Prof. Brewster and myself regarding the legal status of the military in these controversies, and we discussed it in rather a sharp manner. I withdrew a statement I made and directed the stenographer to extend it in the notes; and I was talking pretty rapidly, both before and after, and the stenographic notes—it was a good many days before the notes were extended. As a matter of fact, I don't know whether they were ever fully extended. There was nothing that might not have been published, but what he might have had a copy of.

Chairman WALSH. Do you remember the gist of it so you can say substantially what it was?

Gen. CHASE. After he testified the other day, I tried to remember the subject. I think it was connected with the legal status of the military, and in that connection he made some incendiary remarks, and I told him that if he talked on the street as he was talking in the room I certainly would be compelled to lock him up. That is as I remember it. And then I withdrew that remark. I told him, "I don't think you will do that," and I withdrew the remark.

Chairman WALSH. Then there is another [reading]:

"We have the usual constitutional provisions that there shall be no unreasonable search or seizure.

"We have all the common constitutional provisions, the result of centuries of work and effort to preserve constitutional liberty.

"I want to say that in the course of these violations of the plainest constitutional provisions, where union men were not concerned, was the search of Mrs. Hall's house."

Do you know that circumstance?

Gen. CHASE. Yes.

Chairman WALSH. And if so, we would like you to make a statement as to that.

Gen. CHASE. We heard reports from three reputable citizens that arms had been taken into the home of Mrs. Hall, and I sent a detail of men to find out, and if so to gather the arms.

Chairman WALSH. Were you present yourself?

Gen. CHASE. No, sir.

Chairman WALSH. It was a search without a warrant or anything of that kind?

Gen. CHASE. Oh, yes—yes, sir.

Chairman WALSH. I think there are a number of questions here now upon this matter of search warrants, and I want to see if I can not frame one question that will clear that up.

Commissioner WEINSTOCK. Yes.

Chairman WALSH. You differed, then, from Prof. Brewster as to your legal status.

Gen. CHASE. He differed from me.

Chairman WALSH. He differed from you?

Gen. CHASE. Yes.

Chairman WALSH. Briefly state your own position and his.

Gen. CHASE. I think, to be fair to him, as nearly as I can remember, his position was that he considered the military arm simply as a local police force, and

having the powers of a posse comitatus. And I stated very clearly what I understood our powers to be.

Chairman WALSH. He says that there is a constitutional provision that no imprisonment shall be held to secure evidence, and that no one shall be held as a witness except just so long as he may be taken before a magistrate to make his deposition. That is a constitutional provision of extreme importance. Men were arrested and held for various lengths of time—40 days, some 53 days, 55 days, and some were discharged without any charge ever having been made against them. Is that correct?

Gen. CHASE. Yes, sir.

Chairman WALSH. There were some held as many as 55 days?

Gen. CHASE. I presume so.

Chairman WALSH. Do you know how many?

Gen. CHASE. No, sir. Of course, we held those under what we deemed the law of our State and of the land, as stated in the Moyer decision.

Chairman WALSH. He seemed to make a point on the Moyer decision—that it was based, in part, at least, on the fact that the governor had declared that an insurrection had taken place in the territory.

Gen. CHASE. I think, Mr. Walsh, that was the subject of our controversy, now that I recall it; and I remarked to him that the proclamation of martial law was simply the enunciation of the fact. That is what excited him.

Chairman WALSH. He stated that when charges were brought to you that you did not entertain them, and he cites a case where a militiaman was charged with abusing young girls in Trinidad, and that the Rev. Randolph Cook went to you and that you in a very forcible manner—or, that he said he wanted the matter looked into, and that you in a very forcible manner said he was attempting to besmirch the uniform of the soldiers and would not listen to him.

Gen. CHASE. The Rev. Cook came to me with the complaint that young girls were being ruined by the soldiers. I at once called for the names of the soldiers and the time when it occurred, or even any conversations, but he did not know any names or any time. He knew nothing except the wildest rumors from people whom he was unwilling to name. I told him then in plain terms that if his own heart was not crooked or nasty he would not bring such stories to me without some foundation.

Chairman WALSH. I see here marked this:

“When I speak of Linderfelt I don't hesitate to say that his moral character is bad, and that he is such a brute, as officer after officer will tell you, that he is totally unfit to be in the company of anyone.”

To your knowledge, was the reputation—was the character of Lieut. Linderfelt bad?

Gen. CHASE. I have known Linderfelt's family; his mother and two brothers for 20 years. His ancestors came over from the old country and became American citizens of pure, clean home life.

Chairman WALSH. What is his reputation for morality?

Gen. CHASE. Good.

Chairman WALSH. And peace and quiet?

Gen. CHASE. Good.

Chairman WALSH. Again, Prof. Brewster says:

“I saw that morning a small Greek boy that Linderfelt had abused the night before, and whose head was split open, a Greek boy, a small fellow, who could not speak English, who had a ticket from Ludlow to Trinidad, and who had been attacked in the station at Ludlow as he was about to take the train—attacked by Linderfelt. Ten witnesses testified to these facts, among them people who were in no way connected with the company. Mrs. Hollearin and others heard this racket and knew the boy was beaten; that same evening, December 30, Linderfelt seized Tikas by the throat, and one of Linderfelt's own men separated them before Linderfelt could do some serious damage to Tikas.”

Do you know anything about that?

Gen. CHASE. Yes; I believe a report was made to me and is printed in full in my report on my occupation, a copy of which has been furnished you.

Chairman WALSH. Was that the same thing about which the investigation was had?

Gen. CHASE. That is.

Chairman WALSH. Both instances?

Gen. CHASE. Really, the matter was connected with one incident, the tripping of a horse with barbed wire.

Chairman WALSH. That was the barbed-wire incident?

Gen. CHASE. Yes, sir.

Chairman WALSH. And did these facts appear in the barbed-wire incident, as the statement by Prof. Brewster shows in the record?

Gen. CHASE. No, sir; did not.

Chairman WALSH. That he hit the Greek boy?

Gen. CHASE. The Greek boy said it didn't hurt him a bit. He was sent down to our general surgeon after the complaint had been made, and the surgeon found no injury.

Chairman WALSH. Was it charged that he seized Tikas by the throat?

Gen. CHASE. Yes.

Chairman WALSH. And put his hands on him and got him by the collar?

Gen. CHASE. Tikas denied the incident, and the boy said that Tikas knew him, and the testimony was of Linderfelt that he shook him, didn't strike him.

Chairman WALSH. Seized him by the collar?

Gen. CHASE. By the collar; the testimony was that he seized him by the collar.

Chairman WALSH. "There is another important consideration"—I am quoting from Prof. Brewster—"there is another important consideration there to be borne in mind as bearing on the authority of the militia. Gen. Chase has created a military district of Colorado. The military district of Colorado is coterminous with the State of Colorado. The military district of Colorado is not confined, in Gen. Chase's judgment, to Las Animas, Huerfano, and Fremont Counties, where there might be riots, but he claims the right to arrest anyone at any place in the State at any time."

Gen. CHASE. Yes, sir; that is correct. You might modify the words "at any time" to read "during military occupation."

Chairman WALSH. Did you tell Prof. Brewster that you believed rioting suspends all civil law just the same as war does?

Gen. CHASE. No, sir.

Chairman WALSH. Perhaps I better quote this to you. I tried to brief it [reading]:

"I should place the responsibility a little higher up were it not for Gov. Ammons, who would ultimately be responsible, was wrongly informed on a great many points, was not well, was almost blind; and I do not think he ought to be blamed entirely. The blame lies in the mental attitude of Gen. Chase, who believes that there is a war when there is a riot; and, of course, there is a great difference between a war and a riot. He believes that a riot suspends, as a war does, all law, and that he becomes absolutely dictator. He practically said so in our first interview."

Did you have an interview with Prof. Brewster in which you stated substantially what I have read?

Gen. CHASE. No, sir; no.

Chairman WALSH. What were the circumstances, so far as you are concerned, Gen. Chase, connected with the arrest and detention of Mother Jones?

Gen. CHASE. She was met at the train the first time she came to Trinidad, after the troops got in there, having purchased a ticket which terminated at Trinidad. She was asked by the officer, under my direction, if she desired to remain in Trinidad or go farther. After a moment's hesitation she said she was going to Denver. So she was taken care of, given her breakfast, taken to the train, allowed to proceed to Denver.

The second time she came into the district she was under—it was after discussion about whether or not she would be arrested. The governor had stated clearly his ruling in regard to the matter. And when she appeared in Trinidad she was arrested and taken to the hospital on the hill and given a room and kept there until such time as she signified her wish to go to Denver, which was some weeks.

Chairman WALSH. How long was she kept there?

Gen. CHASE. The record will show, I think, perhaps five weeks.

Chairman WALSH. Why was she not turned over to the civil authorities?

Gen. CHASE. Because, in my judgment, she was a person who was dangerous to the peace of the community, and the civil authorities, in my judgment, were not capable of handling the case.

Chairman WALSH. Now I am quoting further from Prof. Brewster's testimony:

"Now, speaking there upon the evidence, you may ask Gen. Chase, if he comes on the stand, how many times he has shaken his fist in people's faces simply.

because they dared to differ—men and women dared to differ with him upon points of opinion.”

Gen. CHASE. I don't think I ever shook my fist in anybody's face. I do gesticulate sometimes with my closed hand, and I suppose that is what he referred to.

Chairman WALSH. “You might ask him further if he can conceive of Lee or Grant, or any real soldier, shaking his fist in the faces of women and men because they disagreed with him upon constitutional questions.”

I take it you can not imagine Gen. Lee or Gen. Grant shaking their fist that way.

Gen. CHASE. No, sir.

Chairman WALSH. Had the civil authorities shown their inability to maintain the machinery of the law?

Gen. CHASE. Yes, sir.

Chairman WALSH. Did you inquire any into the way the civil authorities administered the law in Huerfano and Las Animas Counties?

Gen. CHASE. When—prior to our coming?

Chairman WALSH. Prior to your coming; yes.

Gen. CHASE. Yes.

Chairman WALSH. What did you ascertain?

Gen. CHASE. That they were unable to protect life and property.

Chairman WALSH. Prior to the strike did you have any knowledge, or did you acquire any knowledge as to the way the law was administered there, as to the selection of juries, I mean, ordinarily?

Gen. CHASE. No, sir.

Chairman WALSH. You have no knowledge of that personally or by direct hearsay?

Gen. CHASE. No.

Chairman WALSH. That is all, thank you, General.

Gen. CHASE. May I make a correction of the statement that Capt. van Cise inadvertently made this morning, in that where he referred to Lieut. Linderfelt as commanding this Company B at the time of the Ludlow fight he was not? He had been relieved from the command of that company on April 8, but he was in the district visiting when the fight broke out. The company was commanded by Lieut. Gerry Lawrence.

Chairman WALSH. When had he been relieved?

Gen. CHASE. April 8.

Chairman WALSH. And it was commanded by whom?

Gen. CHASE. Lieut. Gerry Lawrence. He and his wife were visiting in Berwind Canyon at the time the fight broke out.

Chairman WALSH. Do you know who they were visiting?

Gen. CHASE. I think Mr. Neal, I am not certain.

Chairman WALSH. Who was Mr. Neal?

Gen. CHASE. He is one of the employees of the C. F. & I.

Chairman WALSH. What was his occupation?

Gen. CHASE. Superintendent, I think.

Chairman WALSH. Do you know how long he had been there?

Gen. CHASE. I think he came up the day before. He was on duty in another part of the district.

Chairman WALSH. Where was he on duty?

Gen. CHASE. Reporting at Trinidad. He had been, and after I left the district he reported to me by telephone.

Chairman WALSH. When did he go to the vicinity of Ludlow to visit?

Gen. CHASE. I think the day before, if I remember correctly.

Chairman WALSH. Had he his wife with him?

Gen. CHASE. Yes. May I make a part of your record an extract from the Statutes of Colorado regarding picketing?

Chairman WALSH. Yes; I would be glad to.

Gen. CHASE. I would like to offer it. That is why there was so much trouble in these colonies; they were all picketed.

(See Chase exhibit at the end of this subject.)

Chairman WALSH. In what form was the picketing manifested?

Gen. CHASE. By proposals to the men going to and from work.

Chairman WALSH. Have you a copy of that letter?

Gen. CHASE. I will provide it.

Chairman WALSH. Very good. At any time soon.

Maj. Boughton, will you take the stand?

TESTIMONY OF LIEUT. COL. EDWARD J. BOUGHTON.

Chairman WALSH. State your name, please.

Lieut. Col. BOUGHTON. Edward J. Boughton.

Chairman WALSH. And what is your profession in civil life?

Lieut. Col. BOUGHTON. I am an attorney at law.

Chairman WALSH. A member of the Denver bar?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. How long have you been a member of the Denver bar?

Lieut. Col. BOUGHTON. Of the Colorado bar, I presume you mean?

Chairman WALSH. Of the Colorado bar; yes.

Lieut. Col. BOUGHTON. Since 1899.

Chairman WALSH. And how long of the Denver bar?

Lieut. Col. BOUGHTON. A little over two years.

Chairman WALSH. Where have you lived in the city of Denver; where have you lived in the State of Colorado other than Denver?

Lieut. Col. BOUGHTON. I have lived in the northern part of the State for a year or so. Afterwards, again in Cripple Creek and Victor; then, again in Denver this last time.

Chairman WALSH. Are you now practicing law in Denver?

Lieut. Col. BOUGHTON. And Cripple Creek. Yes; we have offices in both places.

Chairman WALSH. What is the name of your firm?

Lieut. Col. BOUGHTON. Boughton & Alter.

Chairman WALSH. Please state what rank you held in the National Guard of Colorado during the recent strike.

Lieut. Col. BOUGHTON. I was major of Infantry.

Chairman WALSH. Please state how many cases of men being arrested were investigated and passed upon by the military commission.

Lieut. Col. BOUGHTON. Mr. Commissioner, there were some 173 cases investigated, if you are going to count by the individual——

Chairman WALSH. I mean investigated——

Lieut. Col. BOUGHTON. But not all of them by the military commission.

Chairman WALSH. How many of them were investigated by the military commission?

Lieut. Col. BOUGHTON. Perhaps 40 or 50. I have not the exact figures.

Chairman WALSH. What was done with the other cases?

Lieut. Col. BOUGHTON. The other cases were examined before the office judge advocate, either by myself or by one of my officers, and not considered of sufficient importance to bring before the military commission, so——

Chairman WALSH. Pardon me.

Lieut. Col. BOUGHTON. So with the consent of the commanding officer they were discharged without being called to the attention of the military commission.

Chairman WALSH. Please state the varying lengths of time and the numbers in the cases of men that were held in jail without a hearing, or until such time as they had a hearing.

Lieut. Col. BOUGHTON. That is a little hard to answer, Mr. Commissioner, without knowing what you mean by a hearing.

Chairman WALSH. I understood you to say that all of those that were examined by the judge advocate, by yourself, I believe, or by an officer, were discharged, or else were deemed of sufficient importance to send for further investigation before the commission.

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. Is that correct?

Lieut. Col. BOUGHTON. That is correct, sir.

Chairman WALSH. How long were those men, the 40 or 50 that you mentioned, held in jail before they were given a hearing? I do not want to take each individual case, but if, for instance, you can say there were probably 8 or 10 held 20 days, 8 or 10 held 5 days, or whatever the case might be, that is what I am trying to get at without the detail.

Lieut. Col. BOUGHTON. I can't answer that without explaining to you what sort of a hearing they had.

Chairman WALSH. Very good. Explain what sort of a hearing they had.

Lieut. Col. BOUGHTON. The commission was formed upon the order of the commanding general, with the approval of the governor, for two purposes. It

was not formed to try for any accusation of crime, nor was it formed to determine any punishment for crime. It was formed only as an advisory body to the commanding general to aid him, as a matter of convenience, in determining what should be done with those who were apprehended. He was not bound by their advice. It was formed for the purpose, in the first place, of relieving the commanding general of inquiring into each individual case himself, which he had not time to do, of course.

In the second place, and this is given a good deal of consideration, it was formed for the humane reason of substituting for the will and discretion of one man the collective wisdom of a good many high-class officers. And while it was true, as a matter of law, that the commanding general was not absolutely bound by their advice, yet it had great persuasive force. Now, we did outline the function of the commission—with that outline of the function of the commission—each one upon a separate order of the commanding general, submitting the case to the commission as soon as the commission could hear them. In some instances, of course, the commanding general did not seek the advice of the commission nor require them to—to answer your question largely, I should say that a week at the outside would cover the time that, in any instance, elapsed between the time of apprehension and the time of examination by the commission, when an examination was ordered.

Chairman WALSH. How long, at the longest, were men held in jail in your jurisdiction as judge advocate, before a civil charge was lodged against them in the courts, where that question was subsequently taken?

Lieut. Col. BOUGHTON. I could not answer that, Mr. Commissioner. We were not concerned, as Mr. Brewster said here—our position always has been that we were not concerned with any civil charge—any specific accusation of crime. It might happen that those that were held were guilty, or accused of being guilty of some specific crime under the civil law. It often did happen—so it likely happened, I suppose, frequently—that no specific accusation of a civil crime was or could be charged against whom we held.

Chairman WALSH. Were there a number of men arrested in that jurisdiction and held in jail—now, this is regardless of any action you may have taken—

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. For 50 or 55 days?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. Without a hearing?

Lieut. Col. BOUGHTON. Yes; there were.

Chairman WALSH. How many?

Lieut. BOUGHTON. I think, perhaps, that that is the limit. I think that perhaps that is as long as we held anyone. But a great many were held for a month or two.

Chairman WALSH. Well, approximately how many?

Lieut. Col. BOUGHTON. Oh, 20 or 30; perhaps more. I have not the data.

Chairman WALSH. Any women?

Lieut. Col. BOUGHTON. No; I know of one woman that was held for 11 days.

Chairman WALSH. Do you have a record any place as to the number of men that were so held and the length of time they were held in jail?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Where can it be found?

Lieut. Col. BOUGHTON. I can make up tabulated information about that for you.

Chairman WALSH. What data have you to make it up from, Major?

Lieut. Col. BOUGHTON. I have the reports of the judge advocate's office, the card indexes, showing the arrests, the time that they were incarcerated, the time that they were released, if they were, the time they were turned over to the civil authorities, if they were.

Chairman WALSH. Do you have that in your private possession, or is it in the adjutant's office?

Lieut. Col. BOUGHTON. I have it in my official possession.

Chairman WALSH. I mean as distinct from the adjutant general's office?

Lieut. Col. BOUGHTON. It is not in the building at the present.

Chairman WALSH. Well, you have it in your official possession, but at your own office, or where is it?

Lieut. Col. BOUGHTON. I think it is in my own office; I think that particular thing is at the office.

Chairman WALSH. I will not stop to get it now. I will ask if you will please turn it over to Mr. Grant.

Lieut. Col. BOUGHTON. I think it would be well, if you will permit the suggestion, the information that you desire in that respect is rather scattered, and if you would like I will make up a tabulated statement.

Chairman WALSH. I wish you would. Our investigator will be here a week or so after we leave, and I wish you would let him have the whole matter, if you will.

Lieut. Col. BOUGHTON. If you will permit me, Mr. Walsh, the trend of your inquiry causes me to ask permission to volunteer an explanation.

Chairman WALSH. Very good.

Lieut. Col. BOUGHTON. I think——

Chairman WALSH (interrupting). I will say this, to begin with, of course, you will be entitled to make any explanation of any answer that you may make, but we are trying to confine this to answering the questions that are laid out before us.

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. In your own case, of course, having testified before the commission before, we do not desire to go into all of it.

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. But still if there is anything you think needs amplification, you will, of course, have an opportunity of doing that.

Lieut. Col. BOUGHTON. I question whether the commission has had—I know it has not had so far here in Denver—any explanation or exposition of the theory upon which these arrests and detentions were made. Of course, to the ordinary citizen the mere assertion that a man is arrested and denied counsel, held for a long length of time without any hearing, without any charges, is in itself, to say the least, unusual, and perhaps, to a good many, shocking.

It has been determined by the supreme court of this State and by the supreme court of every other State where the question has arisen in recent years, except only in the State of Kentucky, which has a peculiar statute, that the forces of the State, the military forces of the State, when called into service of this kind, have not only the power, but they have the reciprocal right and duty of causing the arrest of persons who impede the solving of the peace problem; and who, in fact, impede that problem is something under this decision that is to be determined, first, by the governor; or it may be deputed by him to his chief commanding officer in the field. As pointed out by the opinion in the case of this State, which is the much-discussed in re Moyer decision reported in the 35th Colorado, as pointed out by Mr. Justice —— in the opinion it would be a mere idle parade to send the militia into the field to restore peace if they have not the power to arrest and detain those who were not only violating the peace, but were announcing that they intended to continue to do so until the insurrection be suppressed or the constitution and the laws of the State were reestablished. The same words are found in the opinion of Oliver Wendell Holmes in the Supreme Court of the United States. They are found in Pennsylvania, in re Mother Jones in West Virginia, and in a recent case in West Virginia of —— against Graham, in a very recent case in Montana in re McDonald, in a recent case in re Boyle, in Idaho. The one departure from the general doctrine is this case of Franks against Smith, in Kentucky, which has been determined since the Moyer case. That case holds that the governor of Kentucky is restrained by a special statute from doing aught else than to place the military power of the State at the disposal of a mayor or sheriff. We haven't that statute in this State, and they haven't it in any of the other States that I have mentioned.

Acting under these decisions, which are the supreme law of the land, of the country, and of this State, and with due apologies to Prof. Brewster that there is no such thing as martial law, the Supreme Court of the United States unanimously, and the supreme court of this State, with one dissenting opinion, have determined flatly otherwise.

Under these decisions, I say, the commanding general, always tying back to the authority of the governor, caused the arrest and detention of those who, in the judgment of the executive, or of himself as the commanding officer in the field upon the orders of the governors were delaying or thwarting the purpose for which the commission went into the field at all. They were not arrested because they were neither guilty or accused of any crime.

I was here the other morning when Prof. Brewster called the attention of your body to an assertion that I made myself in one of the habeas corpus proceedings—that it was a matter of profound indifference to Gen. Chase whether his prisoners were or were not guilty of crime—of any specific crime—under the

civil law. I made that statement. The language is not mine. It is the language of more than one of those decisions I have just quoted—that whether or not the party apprehended was accused of crime was not the point; that that was a matter of great indifference. With the exception that I used the word “profound” instead of “great,” what I said was a quotation from those who are constituted to declare what the supreme law is. I think at that time Mr. Brewster and his co-counsel failed to recognize the quotation. That is the theory upon which we proceeded.

Chairman WALSH. Is it true that you and the judge advocate general of the military commission used an automobile belonging to the Colorado Fuel & Iron Co.?

Lieut. Col. BOUGHTON. I never knew who the automobile did belong to. I used an automobile that did not belong to myself. I knew, or had reason to believe—I don't believe I inquired—that it belonged to one of the operating companies.

Chairman WALSH. By whom was it turned over to you?

Lieut. Col. BOUGHTON. I don't know that I can tell you that, Mr. Walsh. It was simply at our disposal, and we used it in that connection.

Chairman WALSH. Did anybody use it except you and your staff?

Lieut. Col. BOUGHTON. Oh, yes; everybody used it; but this particular automobile that you speak of—that I know you must refer to—was one that was put at the disposal of the judge advocate's office. It was used to convey prisoners from the jail to the commission room or to the judge advocate's office and return them there to the jails again, or other official errands.

In that connection, however, let me say that when some criticism arose over the use by the militia of an automobile owned by the coal-operating companies, Gen. Chase, early in the campaign, represented to the strike leaders and, I think, to Mr. Lawson, if I am not mistaken, that the militia had camps a hundred miles apart, covering a hundred miles of front of ground; that the camps were far in some instances from railroad transportation; people had to get there, and they had no money with which to buy automobiles, or even to rent them, and they availed themselves of what they could get; and I think at that time—yes, I know at that time—Gen. Chase told the strike leaders that if they would put at his disposal one or two of their cars he would turn back one or two of the cars that were being used and that belonged to the operating companies, and this car was one of them.

Chairman WALSH. My question is, Who placed this at your disposal? What individual gave you the car?

Lieut. Col. BOUGHTON. I can't tell you that, Mr. Walsh. I think the general assigned the car to me here.

Chairman WALSH. You have no recollection?

Lieut. Col. BOUGHTON. That is my recollection.

Chairman WALSH. You have no recollection specifically of how the car came into your possession?

Lieut. Col. BOUGHTON. No, sir.

Chairman WALSH. Where was it when you first saw it?

Lieut. Col. BOUGHTON. In Trinidad; on the streets of Trinidad.

Chairman WALSH. You don't recall who told you you could use it?

Lieut. Col. BOUGHTON. No.

Chairman WALSH. How long did you use it?

Lieut. Col. BOUGHTON. Oh, we used it through the entire campaign—as long as we were held—as I remember it.

Chairman WALSH. Please state whether a clergyman was ever sent for to appear before the military court for writing a letter to the secretary of the State humane society.

Lieut. Col. BOUGHTON. That is an instance I never heard of.

Chairman WALSH. Please state whether or not any forcible means were used to extract confessions from persons that were under arrest or charged with crime against the laws of the State, or impeded or thwarted the progress of the militia in the conduct of their affairs.

Lieut. Col. BOUGHTON. By whom?

Chairman WALSH. By any member of the military.

Lieut. Col. BOUGHTON. I am unable to say. I can say positively that no such means were used by the office of the judge advocate, either by myself or any of my officers.

Chairman WALSH. Do you know, either of your own personal knowledge, or have you heard, that means were used, such as keeping a man from sleeping at night in a cell—such things as that?

Lieut. Col. BOUGHTON. I have heard that accusation made, Mr. Commissioner. I know that that accusation is not true. What troubled me a moment ago in answering your question was that other accusations have been made against other officers of the guard that some certain confessions in certain cases that occurred before I was assigned as judge advocate had been obtained by means of threats or intimidation. I have heard that said by the strike leaders. Whether that is true or not, I can't tell you, sir.

Chairman WALSH. You have no personal knowledge of any violent or forcible means being used to extract confessions from anyone?

Lieut. Col. BOUGHTON. I have personal knowledge; I know that they were not used.

Chairman WALSH. I said by anyone; you have no knowledge of anyone using any such means; you say that they did or did not do it?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And I then asked whether you have personal knowledge of it being done by anyone?

Lieut. Col. BOUGHTON. I have no knowledge of any kind of its being done by anyone.

Chairman WALSH. Where were you at the time of the Ludlow incident on the 20th of April?

Lieut. Col. BOUGHTON. I was in Cripple Creek.

Chairman WALSH. Had you returned to your home to return to your ordinary business?

Lieut. Col. BOUGHTON. Yes. We had all been relieved from duty except the thirty-four or five that were at Ludlow, you know, four days prior to that accident.

Chairman WALSH. Now, when did you start back from Cripple Creek to Denver, if you did start back?

Lieut. Col. BOUGHTON. I think I finished my case that I was trying at Cripple Creek either that day or the next morning and returned to my Denver office. I returned during that week. The 20th was Monday.

Chairman WALSH. When did you go down again in that country?

Lieut. Col. BOUGHTON. I went down on the evening of Saturday of the same week.

Chairman WALSH. And do you know when you got into Denver—what day you got into Denver?

Lieut. Col. BOUGHTON. Oh, that must have been Tuesday or Wednesday.

Chairman WALSH. Tuesday or Wednesday?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Now, why did you not go down sooner?

Lieut. Col. BOUGHTON. I was not ordered.

Chairman WALSH. When were you ordered to go down?

Lieut. Col. BOUGHTON. When I went down in that week it was upon official service, the service that I told you about, when I was examined in New York City before your commission.

Chairman WALSH. That is, to go on the investigating body?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. But what I asked you was, when did you go down?

Lieut. Col. BOUGHTON. Saturday evening.

Chairman WALSH. Saturday evening. And when were you ordered to go down?

Lieut. Col. BOUGHTON. That day.

Chairman WALSH. By whom?

Lieut. Col. BOUGHTON. If you care, I will relate the incident, the occasion of my going on that day.

Chairman WALSH. We would be very glad to have you do so and save me asking you so many questions.

Lieut. Col. BOUGHTON. The call to arms had been made on Thursday. The troops had gone into the field on Thursday. The general was at Ludlow.

Chairman WALSH. Gen. Chase?

Lieut. Col. BOUGHTON. Yes. There is only one general in this State in the National Guard. He was either in Ludlow or attempting to reach Ludlow. The condition of the public mind was very bad. It was hard to get accurate or truthful information of just what happened at Ludlow. And that condition remained for some time—I think until the report of the board of officers that went and found out and made public their findings. The papers here in Denver and elsewhere throughout the State were filled with very wild statements of

what was supposed to have occurred there. They were being filled then with news items from all over the State and outside the State that the volunteers, new companies of volunteers, were to appear in the southern zone in resistance to the militia of the State. Public mind was very uncertain. On the morning of Saturday of that week, Capt. Danks came to my office here in Denver. I was not with the judge advocate's office, neither was Capt. Danks or any one of my officers with the judge advocate's office. He was quite perturbed. He said that he had had a talk with Capt. van Cise; that the captain had met him as he, Danks, was about leaving Denver on an outgoing train on some private matter, I understand, and had taken him off the train and had told him a great many horrible tales of abuse and inhumanity and misconduct on the part of the militia at Ludlow the Monday before.

Chairman WALSH. Who was that?

Lieut. Col. BOUGHTON. Maj. Danks; he was then Capt. Danks; he is now Maj. Danks.

Chairman WALSH. May I ask you to go back over the details of that?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. And restate the incident. Pardon me for the interruption.

Lieut. Col. BOUGHTON. I said Capt. Danks, now Maj. Danks, came to my office on the morning of that Saturday, about 9 or 10 o'clock.

Chairman WALSH. In Denver?

Lieut. Col. BOUGHTON. In Denver. And told me that he had had a talk with Capt. van Cise, who had been down to Ludlow and had returned; that Capt. van Cise had taken him, Dank, off of a train, an outgoing train from Denver, where he was going upon some business of his own, and had told him a series, a long series, he said, of horrible atrocities committed by the militia at Ludlow. He said, "This thing is entirely unbelievable." But he said Capt. van Cise—this is Mr. Danks talking to me—is younger than you and me; he is very much shocked; he is assuming that everything he has heard is true, and he is proposing to go at once, this morning, to the proprietors and editors of the large daily journals and give as his statement, what he has heard by way of atrocity, burning of women and children at Ludlow, the commission upon children of great brutalities—he is proposing to give those stories to the press with his sanction. And he proposes, likewise, to go for aid to Mr. Costigan, who is and was then, an attorney of this bar, who was the retained counsel of the United Mine Workers of America.

Maj. Danks and I discussed the matter, and deplored what we considered the hotheadedness of our fellow officer. We thought right at that particular time, in the then inflamed state of public sentiment, that it was a very unwise thing for Capt. van Cise to do. And between us we determined to prevent its being done, if we could, in that way.

We knew Capt. van Cise. We knew that it was rather difficult to argue him out of his preconceived notions. I think it was I who suggested to Capt. Danks the propriety of taking it to the governor and suggesting to the governor that if there was any foundation of truth in the stories which Capt. van Cise brought home, we ourselves should know it, know it quickly, publish the facts, and punish the offenders as far as we could. We suggested to the governor—we called upon the governor and suggested—

Chairman WALSH. Who, you and Capt. Danks?

Lieut. Col. BOUGHTON. Yes. It was very delicate. We were trying to do the best that our judgment dictated for the State and all of its people. I suggested to the governor the appointment immediately of a committee to investigate all charges against the militia to find out what did occur there.

A great many other committees were being appointed. The people of the State were being divided in their beliefs. There was then nothing available but beliefs. There were no facts to be ascertained. Then people were being divided into two camps of hostile sentiment. The unions, I think, appointed a committee, churches and fraternal orders appointed committees, the governor, I think, appointed a committee, and I think the chief justice of the State volunteered to go down and try to find out what the facts were. We discussed this possibility. We were all keenly anxious to find out the truth, including the governor. We discussed the possibility of our not ever being able to ascertain what the real facts were, if these partisan committees from both sides of the industrial conflict went first and molded into a crystallized form the stories that the soldiers and the inhabitants and the combatants would tell to them. We thought the time was ripe to make a military nonpartisan investigation of our own.

I suggested to the governor the appointment of a committee and of putting Mr. van Cise upon it. He had been to Ludlow. He had made some inquiries himself. He said that what he knew was told to him by other officers and men at Ludlow, and between us, either the governor or Capt. Danks, or myself, I can not recall—perhaps all of us—talked Capt van Cise out of what we conceived to be his foolish notion of giving out at that supreme moment, with the rebellion in full swing, such a story to the press before it could be investigated and the truth ascertained. I then went to the adjutant's office after receiving the approval of the governor to that scheme—suggestion—and I tried to get Gen. Chase over the telephone. I of course was powerless to act without authority. I was not upon duty. I was volunteering my suggestions, as was Capt. Danks. I tried to get the general on the telephone, and was unable to do it. I then wrote out a telegram to him and tried to tell him in as few words as I could, the telephone service being interrupted, what the danger was.

Chairman WALSH. One minute right there. Has that telegram ever been published any place?

Lieut. Col. BOUGHTON. Not that I know of.

Chairman WALSH. Has it ever been in any investigation?

Lieut. Col. BOUGHTON. No, sir.

Chairman WALSH. Did you learn within the last few days that this committee had subpoenaed the telegraph operator at Ludlow to produce the telegram?

Lieut. Col. BOUGHTON. I heard so this morning.

Chairman WALSH. Go ahead.

Lieut. Col. BOUGHTON. I have a copy of the telegram if you want it.

Chairman WALSH. I have the original. Go ahead.

Lieut. Col. BOUGHTON. Of course the telegram, Mr. Commissioner, was a confidential telegram to the commanding general from his legal adviser, the divulging of the contents of which is perhaps a crime in this State, but at any rate—

Chairman WALSH. One minute. I would like to hear that. There is a statute against it?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Please refer me to it.

Lieut. Col. BOUGHTON (addressing Capt. Smith). Captain, will you be kind enough to get me the revision of 1908?

Chairman WALSH. Is it the statute which refers to a confidential communication between attorney and client?

Lieut. Col. BOUGHTON. No, sir. This statute refers expressly and specifically to the divulging of the contents of a telegram by a telegraph operator or any other person. I suppose I may proceed and refer to that when the captain brings the statute.

Chairman WALSH. If you have a copy of it, we will dispose of that now. Have you the copy?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. Where did you get this copy, Colonel?

Lieut. Col. BOUGHTON. I made this copy in my office.

Chairman WALSH. From what?

Lieut. Col. BOUGHTON. From a lead-pencil copy I made at the time in the telegraph office—the Western Union telegraph office. I just took the notes of it.

Chairman WALSH. The original is here. Just take the copy, please.

Lieut. Col. BOUGHTON. I have another.

Chairman WALSH. The original reads as follows:

DENVER, COLO., October 25—2 p. m.

Gen. CHASE. *Ludlow:*

Many investigation committees appointed, including chief justice. Have suppressed Van Cise story. Do your own investigating and publish real facts before any others. Suggest detail Danks, Van Cise, and self. Leave at once; serious; act quickly. Governor approves. Will telephone.

BOUGHTON.

Lieut. Col. BOUGHTON. That is correct.

Chairman WALSH. That was the original telegram?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. That you sent your commanding general, Gen. Chase, who was your commanding officer at the time?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And the general in the field?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Who was the chief justice at that time?

Lieut. Col. BOUGHTON. Chief Justice Musser. He is chief justice now.

Chairman WALSH. Elected by the people?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Now, the charges that were given to you by Capt. van Cise were that he had been told by numerous people that great atrocities and brutalities had been committed by the militia.

Lieut. Col. BOUGHTON. Numerous people—not numerous people—he said he had been told that and that he believed the great body of the story.

Chairman WALSH. That he believed the great part of the story?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And the charge was against the militia?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. And against the men with whom you had gone down there?

Lieut. Col. BOUGHTON. No; I don't believe you can say that. I didn't know any of them, Mr. Walsh.

Chairman WALSH. What relation did Capt. Danks bear to these people that were charged with the atrocities?

Lieut. Col. BOUGHTON. None, other than that we all belonged to the National Guard. You see he didn't say—I don't say that Capt. van Cise holds that any particular person was charged with atrocities.

Chairman WALSH. I thought you said Capt. van Cise said that the militia was charged?

Lieut. Col. BOUGHTON. The militia; yes.

Chairman WALSH. Charged with the atrocities that had happened there?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Such as the story he had heard of this character that the militia were charged?

Lieut. Col. BOUGHTON. Yes; 34.

Chairman WALSH. They were being charged by strikers and persons in the vicinity?

Lieut. Col. BOUGHTON. I didn't speak to Capt. van Cise as to the source of his information until afterwards, Mr. Walsh.

Chairman WALSH. Who did he say gave him the information?

Lieut. Col. BOUGHTON. I have told you that Capt. Danks came to me and told me that Van Cise had told him—very much agitated—

Chairman WALSH. Did Capt. Danks tell you who was alleged to have given this information to Capt. van Cise?

Lieut. Col. BOUGHTON. I think he told me then that van Cise had told him that he got his information from the men.

Chairman WALSH. What men?

Lieut. Col. BOUGHTON. The strikers and other people down there.

Chairman WALSH. And the combatants, as you call them, were the militia on the one side and the strikers on the other?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. If I may ask, what was your objection to the chief justice of the State making an investigation at once where the charge was against the militia which were in the field and was being made by strikers other than the militia?

Lieut. Col. BOUGHTON. There was no objection. I never did object in any way. You will understand, Mr. Walsh, that the chief justice was offering his good services as a citizen. It was not a part of his duty as chief justice to—

Chairman WALSH. Except that he might have had experience, I take it, as an investigator of facts and a knowledge of the law.

Lieut. Col. BOUGHTON. Such experience as is common to all lawyers of his ability and standing; yes, sir.

Chairman WALSH. He was a lawyer of ability and standing?

Lieut. Col. BOUGHTON. Without doubt.

Chairman WALSH. I have been asked to ask you this question by Mr. Garretson, as to the making up of a nonpartisan committee: Would you consider the make-up of a nonpartisan commission—would you consider a nonpartisan committee to investigate on the part of the union consisting of Lawson, Hayes, and Doyle?

Lieut. Col. BOUGHTON. I mean one not controlled, not interested in either side of the industrial conflict.

Chairman WALSH. I want to go through with the question the commissioner asked. I will ask all the question. He wants to know if you would consider a nonpartisan commission to make an investigation of the mine owners, composed of Messrs. Osgood, Welborn, and Brown?

Lieut. Col. BOUGHTON. Well, Mr. Commissioner, that question carries its own answer.

Chairman WALSH. I see. Your answer would be "No"?

Lieut. Col. BOUGHTON. Why, certainly.

Chairman WALSH. Then, I want to ask you if you would consider a commission to investigate the militia nonpartisan, one consisting of Messrs. Boughton, Danks, and Van Cise?

Lieut. Col. BOUGHTON. Yes, sir; I would answer that question. I think I answered very fully in New York.

Chairman WALSH. Commissioner Garretson asked the same question?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. I didn't remember.

Lieut. Col. BOUGHTON. And it was usually the statement in this State—has been so received—and the facts reported by that court of officers, however, have since become known to be the unquestionable facts.

Chairman WALSH. Commissioner Garretson suggests another question. You were the legal adviser to the adjutant general?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And don't you know that you were the legal adviser to the Metalliferous Miners' Association of Cripple Creek?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And that some of those metalliferous mine owners by which you were employed at Cripple Creek were also on the directorate of some of the coal mines in the district in which you served as a militiaman?

Lieut. Col. BOUGHTON. Yes, sir; certainly. I think it will save some time, Mr. Garretson—all those questions have been asked by you and answered and are in the record taken in New York.

Chairman WALSH. What was that last remark; I didn't quite catch it?

Lieut. Col. BOUGHTON. Mr. Walsh, I remember being asked that question in New York, and I stated I didn't know.

Chairman WALSH. Have you ascertained since?

Lieut. Col. BOUGHTON. I have not ascertained beyond the fact that Judge Lindsey suggested in New York City. I think, first by note to one of the commissioners before the question was asked me, and afterwards in his testimony, that somebody connected with one of the mines—one of the 100 mines that formed the association that I represented in Cripple Creek—owned some stock in one of the coal companies. I did not even know the man and didn't know anything about it, and I answered so in New York City.

Chairman WALSH. Now, I think I interrupted you, Colonel, to ask this specific question about this telegram. Do you recall at what point you were in your testimony?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. Then proceed.

Lieut. Col. BOUGHTON. I sent this telegram. It was a very disturbing time, as you can well conceive. The general was, I think, engaged that day or had been the day before in the relief of Aguilar, the raising of the siege at the Empire, Southwestern, and Green Canyon mines, the reinforcement of his men at Ludlow. I think it was that day that the insurrection broke out in Fremont County. The general hastened, I think, that night—possibly the next day—over there. I sent this telegram, not as has been said somewhere—I don't remember where—to give a military order to my superior officer, but to give legal advice as I felt myself in conscience bound to do. The telegram bears this construction and no other. Here are partisan investigating committees being appointed by the score, each one with an interest to make the facts appear as they desire.

Chairman WALSH. Would that apply to the chief justice of the supreme court?

Lieut. Col. BOUGHTON. No; no; not at all. The chief justice was simply offering his good offices to the governor. He derived what usefulness he had from the same source that we did—from the governor. I think he volunteered,

if I am not mistaken, to the governor, to use his good offices for that purpose, and I think the governor accepted his offer.

Chairman WALSH. The governor accepted the offer of the chief justice of the State to go down and investigate this at the time you got there?

Lieut. Col. BOUGHTON. That is my recollection; but something occurred afterwards, and I don't believe the chief justice ever went.

Chairman WALSH. Well, was it anything except that you convinced the governor that he ought to let it be investigated by yourself and these other officers?

Lieut. Col. BOUGHTON. Oh, no; that had nothing to do with it, Mr. Walsh, at all. I don't believe the chief justice was mentioned in the conversations I had.

Chairman WALSH. Where did you acquire the information contained in the telegram to the effect that the chief justice was one of those?

Lieut. Col. BOUGHTON. I can't tell you, sir; I can't tell you. The chief justice was going; all kinds of other investigating committees were going, many of them partisan, some of them perhaps not. I don't remember. I felt that the general and the governor owed it the State to go among our own men, who would tell us the truth sooner than they would tell anybody else, and certainly sooner than, perhaps, than when they, by the experience of half a dozen investigations, had been influenced, perhaps unconsciously, one way or the other; and I advised Gen. Chase that it seemed to me legally a wise thing to do, and that the governor approved the suggestion. I afterwards got the general on the telephone—perhaps within an hour of the sending of this telegram—and I said then in full what I could only sketch in the telegram, and received his approval of it; had Mr. Danks—Capt. Danks—Capt. van Cise, and myself placed upon the committee, and we left that night.

Chairman WALSH. When you went into this investigation, did you suggest to the other members, and claim it as a right to so suggest, as the ranking officer, that they should not subpoena any witnesses before that commission that worked for the railroad?

Lieut. Col. BOUGHTON. Oh, no; no, sir. Positively no, sir.

Chairman WALSH. Did you tell the other two members of that commission that you would subpoena certain witnesses and, after the taking of testimony began, refuse to subpoena those witnesses?

Lieut. Col. BOUGHTON. No, sir. I think I can answer two or three questions at once, Mr. Walsh.

Chairman WALSH. Yes.

Lieut. Col. BOUGHTON. Capt. van Cise, who is a well-intentioned man—

Chairman WALSH (interrupting). He is a lawyer, too, I think.

Lieut. Col. BOUGHTON. Yes, sir. Had it thoroughly in his head that the greater part of these charges were true. Perhaps unconsciously to himself, Capt. van Cise came reluctantly to the conclusion that we all reached upon investigation. Capt. van Cise seemed to have a feeling of responsibility for sustaining the impression that he had given us when he came to Denver; and I think I do him a compliment in saying that he was very assiduous in producing before that commission all the witnesses that were possible to be found substantiating the things which the captain said he had heard. There came a time, however, when Capt. Danks and I discovered that, in his well-intentioned ardor, Capt. van Cise was producing before the commission—the board of officers—witnesses he had discovered to sustain the stories that he had brought up to Denver that occasioned the appointing of the commission wherever he could discover them; but wherever he had discovered those whose testimony went to negative or disprove those stories he was not producing them. Capt. Danks and I found ourselves simply sitting in a tent and permitting Capt. van Cise to bring up all discoverable witnesses of one kind and not any other. So I took it upon myself—

Chairman WALSH. What kind was he bringing up?

Lieut. Col. BOUGHTON. Those that would substantiate the stories that he had told Capt. Danks in Denver.

Chairman WALSH. That is, to the effect—

Lieut. Col. BOUGHTON. That the atrocities had been committed—

Chairman WALSH (continuing). Had been committed?

Lieut. Col. BOUGHTON. Yes, sir; that is what I mean.

Chairman WALSH. Then what did you do?

Lieut. Col. BOUGHTON. I took it upon myself, after consultation with Capt. Danks, to make an order in no way restricting the inquiry, but directing that when a witness was to be examined—when he was to be hunted up, if necessary—all three of us would go and make the examination. So that we, Capt.

Danks and I, as well as Capt. van Cise, should have at least means of determining whether what he told us—the witness told us—was important or material or enlightening; and that from that time was done.

Chairman WALSH. Is that order verbal or in writing?

Lieut. Col. BOUGHTON. Why, I think we made some notes of it. Where they are I don't know, sir.

Chairman WALSH. But that was the substance of it, that no one member of this commission was to produce a witness unless you all went out and found him?

Lieut. Col. BOUGHTON. Well, not quite that, Mr. Walsh.

Chairman WALSH. Well, what was it?

Lieut. Col. BOUGHTON. The order was that any witness that we could possibly discover would be examined, but the examination would be in the presence of all of the board. I may say that Capt. van Cise at first demurred, not understanding the order. He first demurred on the ground that it tied his hands, because he did not feel himself at liberty to hunt in the highways and byways for available witnesses.

Chairman WALSH. Had he been doing that before that?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. And did you make the order as major?

Lieut. Col. BOUGHTON. Yes, sir; as his senior officer.

Chairman WALSH. On the other two?

Lieut. Col. BOUGHTON. After consultation with one other officer.

Chairman WALSH. So then——

Lieut. Col. BOUGHTON. If you will permit me, so I can conclude——

Chairman WALSH. One moment. Let me make a note of that. I want to come back and ask you something about that.

Lieut. Col. BOUGHTON. Yes. After the order was made——

Chairman WALSH (interrupting). One moment please, until I finish.

Lieut. Col. BOUGHTON. It was explained to Capt. van Cise, after he made his objection, that it was not intended to restrict and would not restrict, in the fullest sense, any kind of inquiry; that we simply wanted to be present to judge of the availability and materiality of the evidence with him when any witness was examined. With that explanation Capt. van Cise very graciously acquiesced in the order. You see, otherwise—you see this was the straight of it——

Chairman WALSH (interrupting). One moment please [writing].

Lieut. Col. BOUGHTON. Otherwise it left to but one member of the board to determine for the board what evidence was material and enlightening and what was not, because one officer of the board could simply say, "I will take Witness A before the board, but I will not take Witness B." With the board as constituted of three members, we might think that Witness B's testimony was very material. It substituted the judgment of one officer for the collective judgment of the three, which was what was intended by the governor and by all of us when the order was made to undo that mischief. And was acquiesced in by Capt. van Cise, and we proceeded from that time on very nicely.

Chairman WALSH. At that time, how many witnesses, if any, did he have on hand and ready to introduce before the entire commission, if you know?

Lieut. Col. BOUGHTON. Oh, he had none at that time. I remember the scene very well.

Chairman WALSH. He had none at that time?

Lieut. Col. BOUGHTON. No, sir.

Chairman WALSH. Prior to agreeing to go upon this commission did he say to you that he would not go on if you intended to use your rank as major to make orders while serving on the investigating board?

Lieut. Col. BOUGHTON. I don't recall any such statement as that. I don't think it is possible. That was not the spirit of this board at all, Mr. Walsh.

Chairman WALSH. But you made this order as major?

Lieut. Col. BOUGHTON. Yes.

Chairman WALSH. And as major you had a right——

Lieut. Col. BOUGHTON (interrupting). Simply——

Chairman WALSH (interrupting). Pardon me a moment.

Lieut. Col. BOUGHTON. Simply to insure the ascertainment of all facts by all three of us. I wanted the same facilities of inquiry that Capt. van Cise had.

Chairman WALSH. You claimed the right then as ranking officer to make orders that would be binding upon the other two members upon the commission with you?

Lieut. Col. BOUGHTON. Why, certainly, sir.

Chairman WALSH. Did you make any other orders that you now recall, except that one?

Lieut. Col. BOUGHTON. Possibly—oh, that I now recall?

Chairman WALSH. Yes.

Lieut. Col. BOUGHTON. Oh, the usual orders, the orders directing the men to appear—our own men.

Chairman WALSH. Did you make an order—or did you answer that question—did you make a general order on the investigating board to the effect that no person connected with the railroad should be witnesses?

Lieut. Col. BOUGHTON. No.

Chairman WALSH. Or no persons that were on a certain railroad train that were there at a certain time?

Lieut. Col. BOUGHTON. Oh, no; no. No, sir.

Chairman WALSH. Commissioner Garretson hands me a question to ask you. He says, "Why is it that Capt. van Cise was bound by his military oath not to divulge any of these proceedings of the commission, while you seem to be absolutely free from such restrictions?" and wants to know whether you took the same oath at the same time?

Lieut. Col. BOUGHTON. The answer to the question is that Capt. van Cise is not bound by his oath. The oath that was administered—I couldn't help being amused by the claim, when Capt. van Cise claimed that this morning. The oath that was administered was the usual oath that is administered to every board of officers.

Chairman WALSH. Is it here?

Lieut. Col. BOUGHTON. I can tell you the purport of it for the purpose of this question.

Chairman WALSH. Yes; go ahead.

Lieut. Col. BOUGHTON. That was the oath that nothing that transpired in the board should be revealed unless the members of the board were called upon to reveal it before a court of competent jurisdiction. I take it that under the empowering part of the act of Congress your commission is a court of competent jurisdiction.

Chairman WALSH. Were you told before you went upon the stand—did you refuse to go upon the witness stand except upon the condition that Capt. van Cise should be first examined?

Lieut. Col. BOUGHTON. No, sir.

Chairman WALSH. Were you told before you went upon the witness stand that Capt. van Cise would be first examined and would not be called in rebuttal?

Lieut. Col. BOUGHTON. I didn't know, Mr. Walsh, this morning whether Capt. van Cise was going upon the stand before or after me, or whether he would be recalled in rebuttal; and I don't know now, sir.

Chairman WALSH. You say you were not told that by any person?

Lieut. Col. BOUGHTON. I was not told what?

Chairman WALSH. You were not told by any person that Capt. van Cise would be called first and would not be called in rebuttal?

Lieut. Col. BOUGHTON. Yes, sir; I was told by Mr. West this morning that Capt. van Cise would be called first, and he was then upon the stand.

Chairman WALSH. Sir?

Lieut. Col. BOUGHTON. I was told by Mr. West, your officer, that he was then upon the stand.

Chairman WALSH. And that he would not be called in rebuttal?

Lieut. Col. BOUGHTON. I never had any conversation with Mr. West about his not being called in rebuttal, or anybody else.

Chairman WALSH. Have you at any time received any money as fees as attorney from any of the coal operators?

Lieut. Col. BOUGHTON. No.

Chairman WALSH. For services rendered—legal services rendered, or any services rendered—during the present year?

Lieut. Col. BOUGHTON. I never have; and I should like very much, Mr. Walsh, for the benefit of the whole militia, to explain that answer. It was said here by Mr. Brewster the other day that it was quite apparent that the officers of the militia—particularly the higher officers of the militia—were deeply in sympathy with the coal operators during this strike. That has been the impression that has been, I think, deliberately spread, and for some considerable time. The truth is that neither Gen. Chase nor himself, nor any

officer of the National Guard that I am aware of save one, a lieutenant who happened to be an employee in some minor capacity of one of the coal companies, an employee for years and an officer for years—but that connection long antedated this trouble—has any interest or connection, social, financial, industrial, or political with any of the coal operators. Speaking for myself, I don't believe that I ever was in the office of any of the coal operators until after our final withdrawal from the field, unless it might have been during that week at Ludlow in search of information—telephonic information, reports of the superintendents as to what was happening to our men, etc. And so far as that imputation from the truth, that in the conduct of operations in the field, so far as the general and I were concerned, there were almost as many disagreements between the military arm of the State and the operators as there were between the military arm of the State and the striking miners.

In this connection I recall quite distinctly that when the committee of Congress came into this room and opened its inquiry, the chairman, the Hon. Mr. Foster, announced that he would permit the sides to the conflict to be represented by counsel. Counsel were announced. Gen. Chase then arose and said that he apprehended that the military arm of the State would play some part in the investigation, and that it would be represented by myself, with his permission; this was granted.

During the examination of the first witness before the congressional committee that at all concerned the militia, I asked leave to cross-examine. The chairman advised me that I should have the right to cross-examine, but that I must consult with the attorneys for the coal operating companies, and that but one of us—the operators and the militia combined—but one attorney would be permitted to examine any one witness. That gave me great concern. After consultation with the general and, I think, with the governor, at that time I advised the general, and we subsequently acted upon that advice, that we could not be forced into the position of making a common cause with either side to the industrial dispute. We declined from that time on to examine witnesses except upon the invitation of the committee itself. I withdrew from the inquiry, and all that we did from that time was as a matter of comity to furnish one of our officers in attendance upon the committee for their convenience and use. All through the inquiry by the congressional committee we had requests from the coal operating companies to hunt up a soldier or an officer to produce him before the committee to establish some point that they desired to establish. In every single instance those requests were denied, and the coal operators as well as the strikers were compelled to get any of our men by subpoena from the congressional committee itself.

I state this merely as an instance of the relation of the coal operators toward the military. It is not true in any sense that I was in daily consultation, or in consultation at all, with the legal department of the coal-operating companies during the occupancy of the field. Their theories did not accord at all with our theories, as I have subsequently discovered; and as I knew then—for instance, with respect to this matter of detention.

In West Virginia the military arm assumed, and there is some language in the cases which I have collected from the West Virginia Supreme Court to support the contention that at a time of trouble, or at the time of the existence of martial law, the military arm have not only the power to arrest and detain until the danger of insurrection or the immediate danger is past, but that they had the right to punish. The judge advocate of the West Virginia National Guard, Lieut. Col. Wallace, whom I know quite well, insists up to this day that that is a sound doctrine. I know that some of the counsel for the coal-operating companies felt that that was sound doctrine.

Chairman WALSH. When did they consider that?

Lieut. Col. BOUGHTON. During the trouble, the strike—the military occupation. I want to say that I never was able to see that.

In Montana recently the military authorities have fallen into the same error that they did in West Virginia, and the recent case decided on the 8th of October of this year *In re McDonald* in Montana, points out clearly and distinctly that punishment does not belong to the military arm; that they have a right to arrest and a right to detain, but no right to punish; and if that decision of October 8 had been made by one of my officers it could not have more clearly expressed the views and theories upon which we proceeded in the field.

Chairman WALSH. You, however, in your report that was read here about Lieut. Linderfelt found that he had broken his gunstock over the head of a prisoner?

Lieut. Col. BOUGHTON. Yes, sir; there is no doubt about it.

Chairman WALSH. I am asked to ask you these questions: Did you try to secure his punishment for this?

Lieut. Col. BOUGHTON. The report that was made by the committee you have been asking about, contained as its first recommendation this one sentence, if you will permit me: "Feeling that this board of officers was not constituted to determine the possible guilt or innocence of anyone, we recommend that a general court-martial be appointed to try all officers and enlisted men participating in the unjust treatment and killing of prisoners and the burning and looting of the tent colony." I signed that report and made that recommendation.

Chairman WALSH. What was Lieut. Linderfelt's punishment?

Lieut. Col. BOUGHTON. Lieut. Linderfelt was subsequently tried by a court-martial.

Chairman WALSH. What was their finding?

Lieut. Col. BOUGHTON. The court-martial sat while I was in the East—at the time I appeared before you before—and he was—I have no more information of this than anybody else has now.

Chairman WALSH. Well, did you see it in the record?

Lieut. Col. BOUGHTON. As I recall it the recommendation——

Chairman WALSH. If you recall it.

Lieut. Col. BOUGHTON. Yes; I recall it in substance.

Chairman WALSH. Well, what was it?

Lieut. Col. BOUGHTON. The recommendation of the court was that Lieut. Linderfelt has been found guilty of the specifications, but owing to the mitigating circumstances he was not guilty of the charge. Now, to a layman, and even to a lawyer, that may see a little conflicting. I can say to you, however, gentlemen, that it is the exact form of an approved verdict in the United States Army—a stereotyped form often used and having the approval of the Judge Advocate of the United States. I happen to know that. I was curious myself about that verdict and I looked it up.

Chairman WALSH. Well, what was his punishment?

Lieut. Col. BOUGHTON. He was found not guilty of the charge, sir. There was no punishment.

Chairman WALSH. What was he found guilty of?

Lieut. Col. BOUGHTON. The specifications.

Chairman WALSH. What specifications?

Lieut. Col. BOUGHTON. The specifications were that he had broken his gun over the head of Louis Tikas. The charge was that of some form of assault—assault to kill or assault with a deadly weapon or something of that sort.

Chairman WALSH. Was the effect of it that he did it in self-defense, or something of that kind?

Lieut. Col. BOUGHTON. I have not read the mitigating circumstances that the court-martial referred to, and, in fact, I don't believe I know them.

Chairman WALSH. I thought I read in some publication some place that there was a certain punishment inflicted upon him, or that he was reduced in rank, or that he had some——

Lieut. Col. BOUGHTON. I think not. I think not, Mr. Walsh. You will understand that the judge advocate's office has nothing whatever to do with courts-martial.

Chairman WALSH. I understand that. Where is that verdict of that court-martial—in the adjutant general's office?

Lieut. Col. BOUGHTON. I think so. It received as all verdicts—as all verdicts of courts-martial must receive—the approval of the general and governor before publication.

Chairman WALSH. Can martial law be declared in this State in any way than by proclamation—act of legislature?

Lieut. Col. BOUGHTON. Yes, sir.

Chairman WALSH. How can it be done?

Lieut. Col. BOUGHTON. Martial law can exist without being declared in this State; and martial law can be declared in this State without existing. I will explain that if you wish.

Chairman WALSH. How was it down there? Proceed.

Lieut. Col. BOUGHTON. Martial law exists, under the decision of the Supreme Court of the United States and of the supreme court of this State, whenever troops are in the field on such an errand as this. That is the fact of martial law. In some States, Mr. Walsh, a proclamation is made necessary before that can come into existence as a fact; for instance, West Virginia. But that is not

true in this State. But it is true of the United States. That was an act of the First Congress under George Washington.

Chairman WALSH. Why did you not, then, if you were under martial law, institute a military court?

Lieut. Col. BOUGHTON. There is much confusion, Mr. Walsh—an unfortunate confusion—in the use of the words “martial law.” It is a confusion of nomenclature. There are two kinds of martial law. We call it martial law for want of any other term. You will understand that this particular branch of the law is only referred to occasionally; comes only to the notice of courts once in a while. And even courts of great respectability have, I fear, fallen into the error of applying to one sort of martial law rules and theories that are applicable only to the other.

In the case of the *Commonwealth v. Shortall*, 206 Pennsylvania State Reports, in that case the expression was first used “qualified martial law.” In the case of *In re Boyle*, 6th Idaho, the expression is used “martial law to a limited extent.”

Until we find a term that will differentiate the absolute martial law that is applicable to the covering of a foreign territory invaded by our armies from the qualified martial law which is coming now to have its regularly and clearly defined rules, we shall always be in danger of confusing the two.

The qualifications are largely this, that in the martial law under which we were occupying the territory in the southern part of Colorado the courts were open, as Mr. Brewster says. If there had been absolute martial law, the courts would have been closed. For all administrative purposes of justice, wherever the courts did not touch the peace problem, they continued. Men tried questions of promissory notes, and I suppose divorces and other things as heretofore. But there still remained power in the governor, and in the commanding general even, to close the courts, if in their judgment it became an essential thing to do for the preservation and safety of the existence of the State. Another qualification is that under absolute martial law the military commander acting in the field is responsible to no one save his military superior. While under qualified martial law, under which we acted, the military commander is to-day responsible to any one whom he has imprisoned or detained either maliciously or by an abuse of any kind of the sound discretion that is lodged in himself and in the governor; and the people that are to determine whether there has been any such abuse of discretion are the jury of fellow citizens of the parties after the military jurisdiction has ceased.

Chairman WALSH. Have there been any civil suits brought against Gen. Chase?

Lieut. Col. BOUGHTON. Not yet that I am aware of. There could be. He stands ready to respond for any abuse of discretion or malicious activity in that behalf.

Chairman WALSH. Do you know Lieut. Gerry S. Lawrence who, I believe, was in command down there that morning at Ludlow?

Lieut. Col. BOUGHTON. Yes, I know him.

Chairman WALSH. Is he still in Denver?

Lieut. Col. BOUGHTON. I think that he is—I couldn't say, Mr. Walsh; I think not.

Chairman WALSH. What is his business in civil life?

Lieut. Col. BOUGHTON. I don't know that, sir. I am merely acquainted with the man from knowing him as lieutenant.

Chairman WALSH. Did you ever hear of his making complaints as to anyone's conduct at Ludlow that morning, or at any other time?

Lieut. Col. BOUGHTON. No; I think I remember Lieut. Lawrence's testimony before that board of officers. I don't think, Mr. Walsh, as I remember it, that it included any complaints.

Chairman WALSH. The reason I want to get at it is this: In some correspondence that was submitted here by Mr. Welborn under a subpoena duces tecum as follows:

“Inclosed please find a letter from Mr. Gerry S. Lawrence, first lieutenant Troop B, Colorado National Guard. This letter is of such a character that I should be glad to have your advice as to what, if any, reply to make.

“Very truly, yours,

“JOHN D. ROCKEFELLER, Jr.”

And the answer of Mr. Welborn was as follows:

“Since the receipt of your letter of the 3d instant inclosing one from Gerry S. Lawrence, first lieutenant Troop B, Colorado National Guard (herewith

returned), I have been endeavoring to secure some information that would justify the charges made by Mr. Lawrence, but so far have been unsuccessful."

And then he suggests that he only saw him once when he came to have cash advanced on a warrant.

Lieut. Col. BOUGHTON. Whose letter is that?

Chairman WALSH. This is the letter of Mr. Welborn.

Lieut. Col. BOUGHTON. I never heard of the incident.

Chairman WALSH. You never heard of any complaint that Mr. Lawrence had made to anybody?

Lieut. Col. BOUGHTON. No, sir. No, I am quite clear about that.

Chairman WALSH. That is all, thank you, Major.

Lieut. Col. BOUGHTON. Oh, I have been advised this morning——

Chairman WALSH. Oh, yes; that statute that you referred to about the telegram. There is the Revised Statutes on the desk.

Lieut. Col. BOUGHTON. This section—well, there are two or three sections here bearing upon it—section 1869 of the revision of 1908, which is the official revision in this State—Colorado Statutes, revision 1908, reading:

"It shall be a misdemeanor, punishable with a fine not exceeding a thousand dollars, or imprisonment not to exceed one year, or both, in any employee of a telegraph company, or any other person, to willfully divulge the contents or the purport of any message, or part thereof, sent or intended to be sent over the telegraph line; and the offender shall be liable for damages in a civil action."

Chairman WALSH. That is all. Thank you, Major.

Lieut. Col. BOUGHTON. If you please, Mr. Walsh, I was asked this morning to call something to the attention of this commission. I was called on the telephone and asked for——

Chairman WALSH. One moment please [writing]. You may proceed.

Lieut. Col. BOUGHTON. And I was asked if I would supply to Mr. Weitzel—he called me on the telephone—an affidavit which I have concerning the happenings at the Southwestern mine, an affidavit of Mr. Siple, who was imprisoned in the mine near Aguilar; and consonant to our settled policy. I told him that I could not give to him the affidavit, but that I would call it to the attention of the commission; and if the commission desires to have it, it will be supplied.

Chairman WALSH. If you will hand it to our clerk, and this gentleman is not present before the closing of the hearing, I will have it read.

Lieut. Col. BOUGHTON. Very well. And may I substitute a copy for the original?

Chairman WALSH. Very well. That was his testimony that was given before your investigating commission, was it?

Lieut. Col. BOUGHTON. No; this had nothing to do with that.

Chairman WALSH. The commission want to have it.

Lieut. Col. BOUGHTON. Mr. Siple was one of those imprisoned in the mine at Aguilar [handing document to chairman].

Chairman WALSH. All right. Thank you. I told Mr. Welborn that we would try to get this witness here.

Mr. Dower, will you please take that, and in case Mr. Siple does not appear, we will have it read.

Mr. M. G. Low.

TESTIMONY OF MR. M. G. LOW.

Chairman WALSH. What is your name, please?

Mr. Low. M. G. Low.

Chairman WALSH. And what is your business?

Mr. Low. I am a pump man for the C. & S. Railroad Co. at Ludlow, Colo.

Chairman WALSH. Pump man?

Mr. Low. In the water service; yes.

Chairman WALSH. Did you testify before the military commission of which Maj. Boughton was a member?

Mr. Low. No, sir.

Chairman WALSH. You are the pump man at Ludlow?

Mr. Low. Yes, sir.

Chairman WALSH. And do you have a water tank there?

Mr. Low. Yes, sir.

Chairman WALSH. Did you testify before the congressional committee?

Mr. Low. No, I never testified.

Chairman WALSH. Have you ever testified in regard to this matter any place?

Mr. Low. The only testimony I ever gave—and I don't know whether that was testimony, exactly—this Capt. van Cise—is that his name?

Chairman WALSH. Yes.

Mr. Low. He came to the pump house, and him and some other officers—I should judge he was—and he asked me what I knew about the facts, and I just told him what I knew about it.

Chairman WALSH. You told him all you knew about it?

Mr. Low. Yes, sir.

Chairman WALSH. Did he ask you about the conduct of the militia before the fight?

Mr. Low. No; he didn't ask me about the conduct of the militia.

Chairman WALSH. Just asked you what you knew about the fact?

Mr. Low. Yes, sir.

Chairman WALSH. And you were not ordered to appear or requested to appear before his committee?

Mr. Low. No, sir.

Chairman WALSH. Now, how long have you lived in Ludlow?

Mr. Low. I have been in Ludlow—it will be a year—I came down a year the 27th of last June—or August, I should say.

Chairman WALSH. Where did you live before that?

Mr. Low. In Trinidad.

Chairman WALSH. Now, how long did you live in Trinidad?

Mr. Low. Very near nine years, I think.

Chairman WALSH. How long have you lived in the State of Colorado?

Mr. Low. Well, I have been here about 41 years.

Chairman WALSH. And where did you come from?

Mr. Low. Came from Ohio.

Chairman WALSH. Native of Ohio?

Mr. Low. Yes, sir.

Chairman WALSH. What general businesses have you followed in the State of Colorado?

Mr. Low. Well, I was with the Continental Oil Co. 22 years, or a little over.

Chairman WALSH. In what capacity?

Mr. Low. Well, I was foreman of the warehouse at Trinidad and, in fact, all branches of it.

Chairman WALSH. Are you a married man?

Mr. Low. Yes, sir.

Chairman WALSH. Do you live at this place where your water tank is located?

Mr. Low. Yes, sir.

Chairman WALSH. I wish—I see Gen. Chase coming in. Will you please retire for a moment. I want to ask him a couple of questions.

TESTIMONY OF GEN. JOHN CHASE—Recalled.

Chairman WALSH. I have been asked to ask you, Gen. Chase, a couple of questions. I am sorry to bring you back, but I didn't get them, or notice them, until after you had left.

Gen. CHASE. Very well.

Chairman WALSH. Did you ever receive while in the field, General, any telegrams containing suggestions from Mr. Welborn, the president of the Colorado Fuel & Iron Co.?

Gen. CHASE. You mean suggestions on the campaign?

Chairman WALSH. Suggestions about anything from Mr. Welborn.

Gen. CHASE. I don't think I ever did. I don't think I have one on record. No, sir; I don't remember any.

Chairman WALSH. Did you receive any telegrams while you were in the field from any officer or agent of any of the mining companies making suggestions as to your conduct in the field?

Gen. CHASE. No, sir.

Chairman WALSH. Is it true that while in the field—

Gen. CHASE (interrupting). Mr. Walsh, I think there was one telegram sent down in regard to 12 Japanese that had been allowed to go to work—promised work—old hands at the Ramey mine—prior to the governor's prohibition to bringing in strike breakers. I was told to let them in. I think the owner of

the mine sent me word they would leave on a certain day. Lawson was notified of that.

Chairman WALSH. What mine was that?

Gen. CHASE. The Huerfano mine.

Chairman WALSH. It was not a mine of the Colorado Fuel & Iron Co.?

Gen. CHASE. No; I think Murphy is the owner.

Chairman WALSH. Is it true that while you were located at Trinidad you were in the habit of referring newspaper men who inquired for news of the militia to Mr. Guy Lacost, press agent for the operators?

Gen. CHASE. No, sir. Guy Lacost and the newspaper men came to the office daily. They all came there, and I gave them all the news there was to give out.

Chairman WALSH. Then you never referred any of the newspaper men to Guy Lacost in regard to news of the militia?

Gen. CHASE. I think on three or four occasions I probably told him the news first, and then when the others came afterwards I told them I had given Lacost all the news there was and then I would go to bed.

Chairman WALSH. There was nothing further than that?

Gen. CHASE. No, sir.

Chairman WALSH. That is all, General.

Mr. Low, you may resume the stand.

TESTIMONY OF MR. M. G. LOW—Recalled.

Chairman WALSH. Where is your house located with reference to the water tank?

Mr. Low. Well, I guess it must be about 150 or 200 yards north of the water tank.

Chairman WALSH. Have you a well there?

Mr. Low. Yes, sir.

Chairman WALSH. Where is the well with reference to your house?

Mr. Low. North of my house, I should judge, about 30 feet.

Chairman WALSH. About 30 feet north of your house?

Mr. Low. Yes, sir.

Chairman WALSH. Please give me a general description of your house.

Mr. Low. The house is like pretty nearly all along the C. & S., a box car set off to one side and an addition built onto it, making three rooms.

Chairman WALSH. And in that you live with your family?

Mr. Low. Yes, sir.

Chairman WALSH. Consisting of what?

Mr. Low. My daughter and my wife. I have three sons, but they are not at home much of the time.

Chairman WALSH. How old is your daughter?

Mr. Low. Five years old, going on six.

Chairman WALSH. Where was your house located with reference to the tent colony?

Mr. Low. The Ludlow—the old colony was south and a very little east of my place, perhaps maybe just about the same distance from the tank. I judge about 200 yards to the first tent.

Chairman WALSH. Where was the place known as Water Tank Hill?

Mr. Low. That is south of the C. & S. Railroad depot.

Chairman WALSH. How far south?

Mr. Low. From the depot or my place?

Chairman WALSH. From your place.

Mr. Low. Well, it must be about—it is a mile, anyhow.

Chairman WALSH. Where was the camp of the militia from your house?

Mr. Low. The camp of the militia was very near west and possibly a little south of my house, and about between three and four hundred yards from the water tank; west and a little south.

Chairman WALSH. Were you there when the militia came to Ludlow?

Mr. Low. Yes.

Chairman WALSH. What was the attitude of the strikers toward the militia when they first arrived?

Mr. Low. I was not acquainted with any of them except Company K, I believe it was.

Chairman WALSH. When did you first see Lieut. Linderfelt?

Mr. Low. I could not say exactly; I saw him a good many times. It was Company K, was the company down at Ludlow.

Chairman WALSH. When did he come there with reference to the 20th day of April, 1913, the day of the trouble?

Mr. Low. I did not see him on the day of the trouble.

Chairman WALSH. No; but, I say, how long before that trouble did Linderfelt come into the neighborhood, Lieut. Linderfelt?

Mr. Low. I don't know; I heard of him, off and on, ever since the militia was first sent down there.

Chairman WALSH. Please tell whether the attitude of the strikers toward the militia changed at any time, and if so, if you knew the reason why.

Mr. Low. Well, it did. When the company first came to Ludlow they were friendly to the union men and everybody else, and they were nice men. I don't belong to any union and was neutral; I didn't have any cause to take part with either side, and the boys in Company K treated me like a gentleman, and they were friends with the miners and with me and apparently with everybody else around there..

Chairman WALSH. When did you first notice any change in the attitude of the militia toward the strikers, we will say, first?

Mr. Low. I could not say exactly; it came on kind of gradual, and must have started after they had been down there, I suppose, maybe six weeks or such a matter.

Chairman WALSH. Just describe the conduct of the militia toward the strikers after their attitude changed.

Mr. Low. Well, I should tell you—they abused them when any of them would go to the depot or any place, and they would run them off. I saw them kick men off of the platform down at the depot and saw them run them away with guns, men who were attending strictly to their own business.

Chairman WALSH. How frequently did you see that?

Mr. Low. Two or three times a week; and sometimes I would go down to the depot every night.

Chairman WALSH. As to any language out of the ordinary that you heard used by the militia toward the strikers, I wish you would state.

Mr. Low. No one could have used any worse language than was used to those men.

Chairman WALSH. What was the attitude of the militia with reference to sobriety?

Mr. Low. Well, I don't know. I should judge, after the battle there, the way the whisky bottles was scattered up and down the track and around the place, none of them could have been sober.

Chairman WALSH. Describe the attitude of the strikers toward the militia.

Mr. Low. Well, it is just like this: You take an animal and drive him into a corner and he is going to fight.

Chairman WALSH. How did they act as to language toward the militia?

Mr. Low. They have always treated me and my wife and family all right.

Chairman WALSH. What can you say as to the feeling of the strikers toward the officers in charge of the companies that remained in Ludlow after the major portion of them were taken away?

Mr. Low. I can't say. From what little I heard I can't say they were in any way in love with them. They seemed to be kind of restless and scared all the time for fear something was going to happen.

Chairman WALSH. Were you present when the fight at Ludlow started?

Mr. Low. I was.

Chairman WALSH. Please describe the beginning of the fight, briefly.

Mr. Low. I was in my boiler room. My wife had gone to Trinidad that morning on the Colorado & Southern road and the little girl was with me alone. She was outside of the boiler house and she came running in and said, "Take me, daddy, there is going to be a fight," and I picked her up in my arms and I said to her, "I guess you just saw some militia riding around that has kind of scared you." She was deathly afraid of them. And she said "No; there is going to be a fight." And just at that time a bomb exploded.

Chairman WALSH. Did you hear any shot before that bomb exploded?

Mr. Low. No, sir; not before that bomb exploded. The bomb was the first explosion I heard, and that was over toward where Company K had their camp when they first came down.

Chairman WALSH. Had you ever heard a bomb explosion of that kind before while you were down there?

Mr. Low. They got dynamite over in the camps when they were searching for guns and the dynamite was confiscated and they took it into the hills and exploded it every once in awhile up there, and I could hear the explosion.

Chairman WALSH. Proceed.

Mr. Low. When I heard the explosion I stepped to the door of my boiler house and looked over to the west and saw dust in the air. I thought nothing of that then because I thought maybe they were exploding some of this dynamite, and the little girl was still in my arms, and she said to me again, "Take me out of here, daddy, there is going to be a fight." And I said, "Keep quiet, you are scared." And I just got in and turned around, and it could not have been over three or four minutes between the two explosions when the second bomb exploded, and then I went to the door and looked, and they were running from the tent colony in all directions. Women were coming toward my place and toward the arroyo and scattering out. Then I didn't think so much of it and I went back and was working on my boiler with the little girl in my arms and I heard a rifle discharged, and it must have been a minute afterwards when there was a general volley all along Water Tank Hill. The shots were coming in that direction; several went through the top of my building. They went high. There were 109 bullets hit the boiler house and the house I lived in; 7 hit the head of the boiler and 2 went through and penetrated the boiler.

Then I took my little girl—it got to be about a quarter past 10. I took my little girl in my arms and there were still some women and children around there and around the well. The steps down into the well were very unsafe and were kind of rotten, and I said to them, "Be careful going down those steps, you might as well be shot as drown." The well was nearly 100 feet deep. And I got them quiet and they went down in the well. And I took my little girl and went down to the big arroyo, and as I went past the boiler house a bullet fanned my ear. If I had had my little girl in my right arm she would have been killed, but she was in my left arm. I went down to the arroyo and then the firing became general, and I went on down to Bayes ranch and stayed there that day.

Chairman WALSH. Did you have an interview with any of the military officers in regard to the fight at the boiler house?

Mr. Low. Mr. Hamrock came over to see me. I think just a week from the time they had the fight, and he says to me, "Are you the man that runs this pump station?" and I said, "Yes, sir." He said, "Where were you during the fight?" I said, "I stayed here until about 10 or a quarter past 10."

Chairman WALSH. What time did the first firing begin?

Mr. Low. It was quarter after 8 o'clock; it must have been 8 and quarter past 8.

Chairman WALSH. You are sure it was not as late as half past 8 or 9 o'clock, are you?

Mr. Low. It might have been possibly half past 8; I didn't look at my watch. It was some time along there, from the time I had been working on my boiler. Mr. Hamrock said—I told him—I said, "I stayed here until about 10 or a quarter past 10, then I made my escape; I got out of the way." Shall I tell the language he used toward me?

Chairman WALSH. Yes; tell us the exact language.

Mr. Low. He said, "Yes; it is a God damned good thing for you that you did." And I said, "I am well aware of the fact." He said, "Do you know Loule Tikas?" I said, "I am not intimately acquainted with him, but I know him and speak to him when I see him." He said, "Was he in your boiler shop that morning?" I said, "No, sir; he was not in the boiler shop that morning unless he came in after quarter past 10. There was no one in here when I went out." He said, "Where did this fire first start?" And I said, "The first shot was on Water Tank Hill or in that direction." He said, "By God, that is all I want to know of you," and he turned around and rode away.

Chairman WALSH. You say that you were not summoned before that investigating committee?

Mr. Low. No, sir; I was not.

Chairman WALSH. You say that Capt. van Cise talked to you about it?

Mr. Low. Yes, sir.

Chairman WALSH. Capt. van Cise, if I remember the testimony correctly, said you were before that investigating committee.

Mr. Low. That is wrong; this is the first time I was called by any investigating committee.

Chairman WALSH. Were any threats made by any persons against you?

Mr. Low. I heard almost directly that Mr. Linderfelt had given his men instructions that if anything started they were to kill that old son-of-a-bitch that ran that pump station.

Chairman WALSH. Had you any trouble with Linderfelt?

Mr. Low. No, sir; I never had a word with him.

Chairman WALSH. Had you had any trouble with any of the military officers or members of the militia while you were there?

Mr. Low. No, sir.

Chairman WALSH. No words of any kind?

Mr. Low. No words at all.

Chairman WALSH. You say you were not a member of a union?

Mr. Low. I am a member of no union.

Chairman WALSH. Had you ever been?

Mr. Low. No, sir.

Chairman WALSH. Did you answer all questions put to you by Maj. Hamrock as well as you could?

Mr. Low. I answered all of the questions he asked me; I just gave him good, straight answers, and the conversation was very short between us.

Chairman WALSH. When Capt. van Cise talked to you, what did you tell him?

Mr. Low. I don't know as I can tell you the exact language, but he wanted to know of me—asked me if there was men around my place or down to the bridge, this big steel bridge up this side of my place across the arroyo, and I told him there was men there. He said, "Did they have civilian clothes on?" And I said, "I can't tell exactly whether they did or not." And he wanted to know if I thought they were union men, or words to that effect, and I said, "I don't know, I was in a hurry to get out and I didn't have time to take any notice." They might have been mine guards and they might have been union men and they might not, because I saw lots of mine guards in civilian clothes walking up and down guarding the track.

Chairman WALSH. Is this a large well connected with your tank?

Mr. Low. It is between 95 and 100 feet deep and 22 feet across.

Chairman WALSH. Now, you stated you gave some people there some advice about going down there?

Mr. Low. Yes, sir.

Chairman WALSH. How many people did finally go down?

Mr. Low. Well, I should judge there must have been 70 or 75 women and children in the well.

Chairman WALSH. How long did they stay down in the well?

Mr. Low. Well, they came out of there between 6 and 7 o'clock in the evening. I was not there when they came out, but I was down to the ranch below when they came down. There was a train pulled in on the C. & S. road going south, and the train stopped right there close to the pump house, and the soldiers was on the other side of the train and the well was on that side, and they saw a number get out of there and go down in the arroyo.

Chairman WALSH. What time did they get out?

Mr. Low. It must have been about 7 o'clock.

Chairman WALSH. In the evening?

Mr. Low. Yes, sir.

Chairman WALSH. So the 75 women and children were in your well all day?

Mr. Low. Yes, sir; they were in the well all day.

Chairman WALSH. There were steps going down into the well?

Mr. Low. Yes, sir.

Chairman WALSH. And platforms?

Mr. Low. Yes, sir; four different landings with steps to each landing.

Chairman WALSH. Is the well covered?

Mr. Low. Yes, sir.

Chairman WALSH. Had the entire 75 women and children gone into the well before you left there?

Mr. Low. Well, I think they had. I think a few came afterwards, but I didn't know when they came.

Chairman WALSH. Had you ever been in the tent colony prior to that time?

Mr. Low. Since the tent colony has been there I don't believe I have been over there over a dozen times.

Chairman WALSH. Prior to this time had the people dug pits or cellars?

Mr. Low. Well, there was lots of tents had cellars under them.

Chairman WALSH. How were they, just dug into the ground?

Mr. Low. Yes, sir; dug into the ground and a floor laid over the top of them.

Chairman WALSH. Just as any man would dig under his house?

Mr. Low. Yes.

Chairman WALSH. And boards over them?

Mr. Low. Yes.

Chairman WALSH. And this place where the women and children were found dead, where was that with reference to the tents, what part of the tent colony was that in?

Mr. Low. Well, it is very near to the west end, the west end of the tent colony.

Chairman WALSH. Were you there when the fire broke out?

Mr. Low. No, sir; I was down at Bayes's ranch, a mile below; I saw it about the time it started.

Chairman WALSH. When did you come back?

Mr. Low. I came back—my wife and I went that night to a ranch about 5 miles away, and the next morning I took her and the little girl up to Augusta and sent them to Pueblo, and I went to Trinidad on the freight.

Chairman WALSH. What time did you come back to your house at Ludlow?

Mr. Low. I think it was on Friday; I believe it was.

Chairman WALSH. How far was this place where Louis Tikas and Fyler were killed from your house?

Mr. Low. Well, it is right close to the water tank, right east of the water tank about 200 yards.

Chairman WALSH. Right east of the water tank about 200 yards?

Mr. Low. Yes, sir; from my house.

Chairman WALSH. In what direction?

Mr. Low. Very near south; it may be a little west of south, but I don't think it is.

Chairman WALSH. How close was it to the camp?

Mr. Low. East.

Chairman WALSH. How close to the tent colony?

Mr. Low. Where they were killed?

Chairman WALSH. Yes.

Mr. Low. It could not have been over 50 feet from where the first tent was.

Chairman WALSH. Not over 50 feet?

Mr. Low. No.

Chairman WALSH. Where is this camp—where was this camp where the soldiers were?

Mr. Low. West of my water tank, west of the tent colony.

Chairman WALSH. You saw the place where the body of Tikas was said to have been found, and Fyler?

Mr. Low. Yes, sir.

Chairman WALSH. How far was that from the camp of the military, of the militia?

Mr. Low. Well, let's see, that military camp must be about—it can't be over about 450 or 500 yards of where he was killed.

Chairman WALSH. About 500 yards of where Tikas was killed?

Mr. Low. Yes; I should judge that.

Chairman WALSH. What side of the railroad track was he killed?

Mr. Low. On the east side.

Chairman WALSH. You say he was within about 50 feet of the first tent?

Mr. Low. Yes.

Chairman WALSH. And about 250 yards, did you say, from the camp of the militia?

Mr. Low. No, sir; it was worse than that—it was about 450 yards from the camp of the militia?

Chairman WALSH. About 450 yards from the camp of the militia?

Mr. Low. Yes, sir.

Chairman WALSH. Did you observe—oh, you were not there that evening?

Mr. Low. No.

Chairman WALSH. Were you there when the incident of Lieut. Linderfelt's horse being caught in a barb wire took place?

Mr. Low. I was not there and did not see it, but I know they took and cut up all the barb wire there was and threw it into a well where the union people got water from, but I don't know whether they cut it up because the horse ran into it.

Chairman WALSH. They did what, you say?

Mr. Low. They cut up the barb wire and took it and rolled it up and threw it into a well that was there where the union people used to get lots of water from.

Chairman WALSH. Where was that well they got the water from?

Mr. Low. It was right south of the camp on the wagon road.

Chairman WALSH. Was it east of the railroad track?

Mr. Low. Yes, sir; just about; maybe 125 feet east of the railroad track.

Chairman WALSH. Was it an old well?

Mr. Low. Yes, sir; it was an old well.

Chairman WALSH. It had been there before these people made their camp there, the tent colony?

Mr. Low. Yes, sir.

Chairman WALSH. Did you see them when they cut up the barb wire and threw it down there?

Mr. Low. I didn't go down there, but I saw them when they was cutting it up and saw them take it over and throw it down in the well, and after they had gone I walked down there and saw the wire in the well and saw the wire after the union men pulled the wire out of the well.

Chairman WALSH. How long did it take them to haul it out of the well?

Mr. Low. Not a great while. I don't think it was over 50 or 75 pounds of wire that was thrown in the well, but that makes quite a string.

Chairman WALSH. When was that with reference to the 20th of April, the day of the difficulty?

Mr. Low. The cutting of this wire?

Chairman WALSH. Yes.

Mr. Low. Oh, it was quite awhile before that. I could not tell you exactly how long before.

Chairman WALSH. Did you ever see or hear any altercations between Louis Tikas and any military officer or soldier?

Mr. Low. I never did. He had the reputation of being a very quiet man.

Chairman WALSH. Was he or was he not frequently around the depot and the water tank?

Mr. Low. He used to be around the depot. He never came over to my pump station. I don't suppose he was over there more than two or three times all the time I was there.

Chairman WALSH. What was your feeling before this Ludlow difficulty, so far as the militia was concerned and so far as the strikers were concerned?

Mr. Low. I was neutral. The militia when they first came in there—I will say Company K—they were gentlemen. After they had been there awhile things got kind of muddled up a little, but they were a nice lot of men, a fine lot of men, and they seemed to get along nicely with the union when they first came down.

Chairman WALSH. Did this feeling of neutrality on your part exist during the entire stay of the militia?

Mr. Low. Yes, sir; I have never taken sides with either side.

Chairman WALSH. And have not yet?

Mr. Low. No.

Chairman WALSH. You undertook to give Capt. Hamrock a fair and honest statement of what took place just as you saw it?

Mr. Low. Yes, sir; I told him just as I saw it.

Chairman WALSH. And told him about it in a respectful manner?

Mr. Low. Yes, sir; in a gentlemanly way.

Chairman WALSH. Did you answer all questions put to you by Capt. van Cise in a similar manner?

Mr. Low. Yes, sir; I answered him in the same way.

Chairman WALSH. Thank you, Mr. Low; that is all. You will be excused.

At this point we will take an adjournment until to-morrow morning at 10 o'clock.

(Thereupon, at 4.30 o'clock p. m., the further proceedings were adjourned until the following morning, Friday, December 11, at 10 o'clock.)

DENVER, COLO., *Friday, December 11, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Weinstock, and Harriman.

Chairman WALSH. The commission will please come to order.

H. C. Farber.

TESTIMONY OF MR. HARRY C. FARBER.

Chairman WALSH. Your name?

Mr. FARBER. H. C. Farber.

Chairman WALSH. Where do you reside, Mr. Farber?

Mr. FARBER. Ludlow, Colo.

Chairman WALSH. How long have you resided at Ludlow, Colo.?

Mr. FARBER. About 18 months.

Chairman WALSH. What is your business?

Mr. FARBER. Agent for the Colorado & Southern Railway.

Chairman WALSH. You are the gentleman, I believe, who produced the telegram from Maj. Boughton to Gen. Chase, which was offered in evidence yesterday?

Mr. FARBER. I am, sir.

Chairman WALSH. What were the circumstances under which you produced it?

Mr. FARBER. By request of the committee——

Chairman WALSH. Did you produce——

Mr. FARBER (interrupting). On summons.

Chairman WALSH. Did you produce that upon a subpoena duces tecum, and a written resolution of this commission demanding you to produce it?

Mr. FARBER. I did; yes, sir.

Chairman WALSH. How long have you been station agent at Ludlow?

Mr. FARBER. Eighteen months.

Chairman WALSH. Were you there during the difficulty on April 20, 1914, at Ludlow?

Mr. FARBER. I was; yes, sir.

Chairman WALSH. You have been there 18 months?

Mr. FARBER. Yes, sir.

Chairman WALSH. Did you observe the militia around your station prior to the occurrence of this trouble, and their conduct and the conduct of the striking miners in the same neighborhood?

Mr. FARBER. Why, personally, as far as the office was concerned, and the property, it was not molested by either the strikers or the militia.

Chairman WALSH. That is, the railroad property?

Mr. FARBER. Yes, sir; we always got along with them—with both sides.

Chairman WALSH. Did you see a boy on the station platform who had been struck on the head?

Mr. FARBER. I did; yes, sir.

Chairman WALSH. Did you have any conversation with him soon after he was wounded?

Mr. FARBER. I was out—I went outside to one of our local trains, and as I went out the boy was there on the platform and had his head—I could hardly tell how bad, but it was—well, I should say, pretty badly cut.

Chairman WALSH. Was he bleeding at the time?

Mr. FARBER. Yes, sir; I particularly noticed his face and asked him questions. I went to bring him in and I met Linderfelt at the depot—at the door of the depot.

Chairman WALSH. That is, Lieut. Linderfelt?

Mr. FARBER. Yes, sir; and he asked me what I was doing with that man, and I told him I was taking him in the office to give him some kind of assistance. He informed me that he was a military prisoner and took him in charge and kept him prisoner under guard until after our train had left. That was, I should remark, about 20 or 25 minutes that he held him prisoner there at the office.

Chairman WALSH. Do you recall the date of that?

Mr. FARBER. No; I can not; but it was the date that they had that kind of wire-cutting proposition up there where the wire was across the road.

Chairman WALSH. That a horse stumbled over?

Mr. FARBER. Yes, sir.

Chairman WALSH. Did you hear upon that occasion, or upon any other occasion, any officer of the National Guard use profane language in the presence of women on your premises?

Mr. FARBER. I heard Linderfelt, that evening.

Chairman WALSH. Was that the only time?

Mr. FARBER. I think it was the only time.

Chairman WALSH. Did or did not Lieut. Linderfelt have any controversy with Louis Tikas that afterwards lost his life there?

Mr. FARBER. Tikas showed up at the office a few minutes after I found this young gentleman on the platform that was assaulted, and just about the time he showed up he was at the ticket window buying a ticket to Trinidad, and Linderfelt came in and took this man Tikas outside of the waiting room, and I heard some awful loud language outside, but I didn't go out to see what it was, because I didn't think it concerned me.

Chairman WALSH. What do you say was said?

Mr. FARBER. Why, he was taken outside.

Chairman WALSH. Who was taken outside?

Mr. FARBER. Tikas, by Linderfelt.

Chairman WALSH. Did you hear any of the conversation?

Mr. FARBER. I could hear it but could not understand the words; it was very loud and abusive.

Chairman WALSH. On both sides?

Mr. FARBER. Tinkas was denying the charge that he had placed the wire across the road; he claimed that he knew nothing about it whatever.

Chairman WALSH. And you say you could not hear what Lieut. Linderfelt said to him?

Mr. FARBER. I did not try.

Chairman WALSH. Do you know whether or not any of the militiamen at Ludlow, just before the fight of April 20, were mine guards?

Mr. FARBER. I knew they were; yes, sir.

Chairman WALSH. How did you know that?

Mr. FARBER. Well, they had been mine guards before the strike was called. I was personally acquainted, I believe, with two of the gentlemen.

Chairman WALSH. Are any of the men whom you knew and observed as militiamen at Ludlow immediately prior to April 20 at the present time acting as mine guards in the mines near Ludlow?

Mr. FARBER. Two of them I know of.

Chairman WALSH. At what mines?

Mr. FARBER. One is the mine guard at the entrance to the Berwind Canyon. Well, the two of them are stationed there—mine guards at the entrance of the Berwind Canyon.

Chairman WALSH. Are they the same two that were there before, or others?

Mr. FARBER. The same two that were stationed there.

Chairman WALSH. Did you hear any person or persons say anything about the destruction of the tent colony?

Mr. FARBER. Indirectly, I did. It was my understanding that as soon as they got there it would be burned.

Chairman WALSH. You mean that day?

Mr. FARBER. Yes, sir; the day of the battle—April 20. It was my understanding—well, it was everyone's understanding at the time—that as soon as they reached there, it should be destroyed.

Chairman WALSH. Well, was there any fire in the tent colony at the time you heard that?

Mr. FARBER. Any fire? No, sir.

Chairman WALSH. Any tent had been set fire yet?

Mr. FARBER. No, sir; but it never was heard by me, but was just the general understanding there.

Chairman WALSH. You never heard that from anybody?

Mr. FARBER. No, I did not; but I knew it was coming just as soon as they got there.

Chairman WALSH. Well, then, that was merely a suspicion, in your mind, Mr. Farber?

Mr. FARBER. No, it was not a suspicion; I couldn't say that, because I was positive just as soon as they got there it would be burned.

Chairman WALSH. But you have nothing to base that on?

Mr. FARBER. No; only just the heretofore proposition as to what had occurred.

Chairman WALSH. How do you know that anyone else held the opinion, Mr. Farber? You say everyone thought so.

Mr. FARBER. Well, the controversy of the men employed at the depot.

Chairman WALSH. Did you see Louis Tikas and Maj. Hamrock at the depot the morning before the Ludlow battle?

Mr. FARBER. I saw them there the morning of the Ludlow battle.

Chairman WALSH. Did you hear any conversation between them or have any conversation with them, or either of them?

Mr. FARBER. I had with Maj. Hamrock.

Chairman WALSH. What was the substance of the conversation?

Mr. FARBER. He and I were on awful friendly terms, and I asked him, "What seems to be going on?" Well, he made the remark, he said, "I am awful afraid there is going to be something doing."

Chairman WALSH. Was Mr. Tikas there at that time?

Mr. FARBER. No; he was going up the road toward the tent colony waving a handkerchief at the men crossing the field at this time.

Chairman WALSH. How far was the tent colony from your station?

Mr. FARBER. I should think about a quarter of a mile.

Chairman WALSH. Now, you say, at the time Maj. Hamrock said something was going to happen, Mr. Tikas was going up waving a handkerchief?

Mr. FARBER. Yes; to the men that were crossing over the field toward the cut.

Chairman WALSH. Well, when you refer to the men, you mean the striking colonists that were in the tent colony?

Mr. FARBER. To make it entirely clear, the men of the tent colony were crossing the field. Just about that same instant the militia, or some of them, came from toward the military camp, and they said a few words to Maj. Hamrock, and they all gave a halloo and they started down the road toward the Water Tank Hill, hallooing, and horses on a run. I should judge there was 8 or 10.

Chairman WALSH. Now, you referred to some men that were running. Which direction were they running in?

Mr. FARBER. Well, they were running from the tent colony across toward the embankment where they were later—where they held their fortifications, there where the main fire was.

Chairman WALSH. Now, they were running toward the east or southeast?

Mr. FARBER. The east and south of the Ludlow depot.

Chairman WALSH. East and south of the Ludlow tent colony?

Mr. FARBER. No, sir; east and south of the Ludlow depot; it was also east and south—

Chairman WALSH. Of the tent colony?

Mr. FARBER. Yes, sir.

Chairman WALSH. And the militia were upon Water Tank Hill; that was still farther south upon quite an eminence?

Mr. FARBER. Yes, sir.

Chairman WALSH. And apparently were the men going in a way that they would be going if they intended to make an assault upon that hill or try to take that hill?

Mr. FARBER. Both sides were.

Chairman WALSH. Both sides were going?

Mr. FARBER. Yes; the militia were going one way and the strikers the other. That is just the way it appeared to me.

Chairman WALSH. The strikers were making some detour around to the southeast and the militia were going straight south?

Mr. FARBER. No; the strikers—yes; they were going from the tent colony directly across to the hill, the embankment there, the cut.

Chairman WALSH. Were there any militiamen on the hill at that time?

Mr. FARBER. I couldn't see, but witnesses claim that there was, a number of eyewitnesses.

Chairman WALSH. You did not see them?

Mr. FARBER. No; I did not see them.

Chairman WALSH. The men from the strikers' colony that were running, were armed, were they—had guns?

Mr. FARBER. From the distance we were, we couldn't tell.

Chairman WALSH. You couldn't say whether they had guns or not?

Mr. FARBER. No; you couldn't say from the depot whether they had guns or not.

Chairman WALSH. About how far away were you from them?

Mr. FARBER. Oh, they were, I presume, just about a quarter of a mile.

Chairman WALSH. Did you see any of them before they got out of range so you could ascertain?

Mr. FARBER. They were just about the same distance all the way.

Chairman WALSH. All the time you saw them?

Mr. FARBER. Just about the direction they took, about the same distance.

Chairman WALSH. They afterwards were shown to have been armed, were they—they were armed, as a matter of fact?

Mr. FARBER. When they reached the cut they were armed.

Chairman WALSH. They were armed?

Mr. FARBER. Yes.

Chairman WALSH. Now, did the militia reach Water Tank Hill that left the depot there?

Mr. FARBER. Yes, sir.

Chairman WALSH. How many of them were there?

Mr. FARBER. As I remember correctly, about between 8 and 12.

Chairman WALSH. And how many of these men that ran from the other direction; how many strikers were there?

Mr. FARBER. Between 20 and 25.

Chairman WALSH. Between 20 and 25?

Mr. FARBER. Yes, sir; somewhere like that; I am explaining it just what I know.

Chairman WALSH. Now, did you see what became of any of the women and children that were in the camp?

Mr. FARBER. No—until—well, you refer to the morning or evening?

Chairman WALSH. In the morning.

Mr. FARBER. Well, there were a few down on the ball ground playing ball, and some of the boys and some of the men and a few of the women were down there.

Chairman WALSH. Did you observe any women and children any place about the tent colony at this time that you saw the militia and the strikers both headed for Water Tank Hill?

Mr. FARBER. Well, there seemed to be excitement—intense excitement—at the tent colony. We were quite a distance, and you can't tell very much without you see them grouping up, and they were in groups and kind of seemed like they were trying to get somewhere and didn't know where they were getting.

Chairman WALSH. How far was your station from the house of Mr. Low, the pump man for the railroad company?

Mr. FARBER. About between eight and nine hundred yards; possibly a little farther. I couldn't say; I never measured the distance.

Chairman WALSH. Are you north or south of the pump house?

Mr. FARBER. We are south.

Chairman WALSH. Did you see the militia; could you observe the militia when they got to Water Tank Hill?

Mr. FARBER. Well, when they went down the road, as I remember, they went under the hill—there is a hill there right beyond the water tank; the water tank is located on the hill right off beyond; there is a low place, and they went right in, down below the hill, and went around toward the east. I couldn't see them after they went under the hill, but I could tell where they were from the firing.

Chairman WALSH. Was Maj. Hamrock in the party?

Mr. FARBER. No; he was not.

Chairman WALSH. Where was Maj. Hamrock?

Mr. FARBER. After arriving at the depot, after he had appeared there, after I had the little trouble with him he went over to the military camp.

Chairman WALSH. And that was—

Mr. FARBER. That was to the west.

Chairman WALSH. And north of your station?

Mr. FARBER. Almost west; just a little north.

Chairman WALSH. Was there anyone with him when he went over there?

Mr. FARBER. He was by himself.

Chairman WALSH. Could you tell where the first shots were fired from?

Mr. FARBER. The first shots I heard were the two bombs that were fired from the military camp—at the military camp—in that vicinity.

Chairman WALSH. Were both shots fired from the military camp, which was due west from your station?

Mr. FARBER. That is the direction that I figured they came from. I couldn't see them fired; I just heard them.

Chairman WALSH. Now, Water Tank Hill would be south and east of the camp?

Mr. FARBER. South and east of the military camp; well——

Chairman WALSH. It was about a mile south of the tent colony—Water Tank Hill?

Mr. FARBER. I should hardly think it was about that far; about three-quarters of a mile from the colony.

Chairman WALSH. About three-quarters of a mile?

Mr. FARBER. About, to be more accurate.

Chairman WALSH. That is called Water Tank Hill because it has a water tank on it?

Mr. FARBER. Yes.

Chairman WALSH. And the tank has nothing to do with the railroad?

Mr. FARBER. No, sir.

Chairman WALSH. It is a water tank that is used——

Mr. FARBER (interrupting). By the individuals.

Chairman WALSH. By the public?

Mr. FARBER. Yes, sir.

Chairman WALSH. Now, after you heard these two bombs go off, could you tell where and when the next firing commenced; where it came from?

Mr. FARBER. I couldn't tell exactly, as just about this time there was a number of women and children at the Ludlow property that I was getting under cover. And the firing opened up, it appeared to me from the sound and things just about instantaneously from both sides, although I couldn't say as to which fired the first shot after the two bombs were fired.

Chairman WALSH. What is that?

Mr. FARBER. After the two bombs were fired.

Chairman WALSH. With reference to the time the two bombs were fired that you started to try and protect the women and children that were at the station?

Mr. FARBER. Just about the time that the bombs were fired.

Chairman WALSH. And was that before the other shots commenced from both sides?

Mr. FARBER. It was; yes, sir.

Chairman WALSH. Why were you trying to get the women and children out of the way?

Mr. FARBER. Well, I saw that the militia were going one way and the strikers the other, and Maj. Hamrock told me there is something doing and he was going the other way.

Chairman WALSH. So that you were doing this at the inception of the battle?

Mr. FARBER. Just for the sake of the people, yes, sir.

Chairman WALSH. Did you afterwards see the men on Water Tank Hill?

Mr. FARBER. Yes, sir; you could see them.

Chairman WALSH. After the battle began?

Mr. FARBER. Yes, sir.

Chairman WALSH. Did they have their machine gun in action?

Mr. FARBER. They had one.

Chairman WALSH. How do you know that the machine gun was in action? Could you see it in operation?

Mr. FARBER. I could hear it. You couldn't very well see it at first, but you could hear it distinctly.

Chairman WALSH. Could you tell the difference between the firing of a machine gun and the ordinary rattle of the artillery?

Mr. FARBER. Yes, sir.

Chairman WALSH. In what direction were they firing?

Mr. FARBER. They were firing north and east.

Chairman WALSH. Could you see the strikers at this time?

Mr. FARBER. Yes, sir.

Chairman WALSH. How many could you see?

Mr. FARBER. About—you could only see about 8 or 10, possibly, at a time.

Chairman WALSH. Were they firing upon the militia?

Mr. FARBER. They were; both sides firing.

Chairman WALSH. Where did you first see Lieut. Linderfelt on the day of the battle?

Mr. FARBER. The first I saw of him he was coming up from the steel bridge. The bridge I refer to is close to the water tank, directly south of the station. It is a steel bridge. He was coming up through the—it is a kind of a cut

there and he was coming up through the cut, with, I should think, he had following with him about 12 or 15 of the militia in uniform.

Chairman WALSH. Where was that you say? Where were they?

Mr. FARBER. They were coming from the steel bridge, in the vicinity of the steel bridge, toward the Ludlow depot.

Chairman WALSH. Was that while the battle was going on?

Mr. FARBER. That was while it was going on. They were firing as they came.

Chairman WALSH. Which way were they firing?

Mr. FARBER. They were firing toward the men that had intrenched in the cut. That was north and east also.

Chairman WALSH. Did Lieut. Linderfelt get into the depot on that day?

Mr. FARBER. He was there practically all day after he—I should think when he reached there about 10.30 or 10 o'clock—in between there, in between 10 and 10.30—he was there until in the evening about 6 o'clock.

Chairman WALSH. Could he fire upon the opponents at the depot?

Mr. FARBER. Yes.

Chairman WALSH. That is what they were doing there?

Mr. FARBER. Yes.

Chairman WALSH. That is what they were engaged in?

Mr. FARBER. In other words, they made the depot a barracks.

Chairman WALSH. Were they inside the depot?

Mr. FARBER. They were; yes, sir.

Chairman WALSH. How many were in there?

Mr. FARBER. There was about some—different numbers, ranging from 10 to 3 or 4, and then they were also firing from the outside, behind some of the lumber that was piled up on the platform, and the dwellings around there.

Chairman WALSH. After the battle started how many men were engaged in it on the side of the strikers?

Mr. FARBER. I should think those that I seen ranged from 25 to 30.

Chairman WALSH. But you could not see all of them, evidently?

Mr. FARBER. I could not. I am just giving what I saw.

Chairman WALSH. Yes.

Mr. FARBER. Just as I saw it.

Chairman WALSH. Well, from the firing, the sounds that came, could you tell there were a good many more than that engaged in the battle—you could, could you not?

Mr. FARBER. The firing was not so intense from either side. They were just firing; kind of picketing; kind of sharpshooting.

Chairman WALSH. All day? Where was Maj. Hamrock during the day?

Mr. FARBER. I don't know, but I found out; I didn't know at the time, but I found out that he was at the west of the station coming down the arroyo.

Chairman WALSH. At what time did the reinforcements reach Ludlow?

Mr. FARBER. Between 4 and 5 p. m., or in that vicinity, just as I remember; about 5 p. m., I should say.

Chairman WALSH. How many came that you saw?

Mr. FARBER. In the neighborhood of between 80 and 100, I should think, right along in there. It is not positive.

Chairman WALSH. Where did they go to? Did they go to Water Tank Hill?

Mr. FARBER. No; as I understand, they did come around up by the Water Tank Hill, but they came up under the steel bridge to the depot—the Ludlow station.

Chairman WALSH. How long were they in getting to Water Tank Hill after they got there?

Mr. FARBER. I believe they got off of the train, they came up on a train as far as—well, below, I think a mile or two, possibly; I don't know just how far they came; I didn't go into the details of that. But they got off, and they marched across from where they got off the train; some of them, I believe, went around by the Water Tank Hill and the balance came right on up to the station.

Chairman WALSH. Did they afterwards engage in battle? Was there firing?

Mr. FARBER. Yes; there was firing.

Chairman WALSH. Was there much firing?

Mr. FARBER. Yes; it was intense. The machine gun was covering the advance of the militia at this time. What I mean by covering is they were firing in advance. And it was awful dry and calm and they were trying to keep the strikers from seeing them, and keep down the fire.

Chairman WALSH. Where were the majority of the women of Ludlow during the battle?

Mr. FARBER. In the cave. They had a large cave there that held about 14 of them. And there was another cave that held about 8, and these caves were full up all day from about 9 o'clock or 9—between 9 and 9.30 until 6.25 the next morning.

Chairman WALSH. Were you in a position where you could see how many of them went into the well at the pump house of the railroad?

Mr. FARBER. No; you could not.

Chairman WALSH. Do you know whether there were any in there?

Mr. FARBER. Not until afterwards.

Chairman WALSH. Is the country surrounding the camp free of woods—free of trees?

Mr. FARBER. It is.

Chairman WALSH. Did you see Louis Tikas after he left the station?

Mr. FARBER. Well, the last I saw of him he was going up the road waving his handkerchief and trying to get the strikers to go back to the colony; that is what I figured he was trying to do, because he was going up the road waving at them.

Chairman WALSH. Were you well acquainted with Tikas?

Mr. FARBER. I was; yes.

Chairman WALSH. What sort of a man was he, as to characteristics?

Mr. FARBER. Personally, Tikas was a very quiet sort of a fellow, and as far as I was concerned, and the company, he was always on the square. I have got my first time to ever see him do any dirty kind of a trick, or even break his oath. That is my own personal knowledge of him.

Chairman WALSH. Did you testify before the military commission that was held shortly after the occurrence, in which Maj. Boughton was the head of the judges?

Mr. FARBER. Maj. Boughton came there. I heard what this committee was before it reached there. Maj. Boughton came to the office and requested myself and the employees there—the men under me, that are four in number—and asked us to make a statement. We refused to do so. We were not subpoenaed or anything; he just asked us if we would make a statement.

Chairman WALSH. Have you testified before any other body except this commission?

Mr. FARBER. I have been asked to make at least a dozen different statements, but I have refused to make any. This is the first ever I have told, or any of the men, to my personal knowledge, of anything that occurred at the depot, or from the depot.

Chairman WALSH. Have you stated the occurrences briefly, as they occurred there that day, or do you think of anything else that might be of significance to state to this commission?

Mr. FARBER. Well, in the position we are held there, I think I would rather be confined to any questions that might be asked.

Chairman WALSH. Commissioner Ballard would like to ask you a few questions.

Commissioner BALLARD. You say you have several men employed there in the station. Who is the telegraph operator?

Mr. FARBER. We had at this particular time—we had three operators. Do you want the names of all of them?

Commissioner BALLARD. No. As to this telegram you produced on the demand of the commission—had that telegram ever been given out by any of your operators before?

Mr. FARBER. Not that I know of. I am a telegraph operator, and I copied the message myself personally; I was working at the time.

Commissioner BALLARD. Then how did anybody know about that message?

Mr. FARBER. The first I knew of it was when one of the papers of, I believe, Trinidad, just before I started up here, had the statement that I would be called on to produce the message. Now, there might be some question—

Chairman WALSH (interrupting). The commission does not raise any question about that telegram. The reason I asked was Maj. Boughton read a statute which forbade the divulging the contents of a message.

Commissioner BALLARD. My idea was, and is, that if telegrams are sacred and belong only to the persons who send them and receive, I do not know how, generally speaking, telegrams should become public property.

Chairman WALSH. The way it became public property in this case was that it had been reported in the public press that telegrams had passed between the parties that never came out, and that is why I had the commission adopt a resolution to bring it in.

Mr. FARBER. I might throw some further light on it. It seems that just before this there had been some controversy or misunderstanding between some of the different militia after the Ludlow battle, or on or about that time, and I was asked on one or two occasions to produce that certain message before—that is, for individual use—but I informed the parties that it was prohibitive for us to divulge the contents of any message received or sent, consequently I refused to do so; but I took it up before I produced the message, with my superior officers, to see whether I should bring the message up here after the subpoena had been served.

Chairman WALSH. Commissioner Weinstock would like to ask you—

Commissioner WEINSTOCK. Do you know Mr. Low, the pump man?

Mr. FARBER. Yes, sir.

Commissioner WEINSTOCK. Is he under your direction?

Mr. FARBER. No; he is in the water service.

Commissioner WEINSTOCK. You have no control over him?

Mr. FARBER. I have not—well, indirectly, if there is any occurrence or anything regarding that service, he reports the matter to me, and I usually handle it.

Commissioner WEINSTOCK. You say Maj. Boughton came to you and wanted you to testify before his committee?

Mr. FARBER. Asked us to make statements.

Commissioner WEINSTOCK. And you declined?

Mr. FARBER. We did; yes.

Commissioner WEINSTOCK. When you declined, did you represent your subordinates at the same time?

Mr. FARBER. No, sir.

Commissioner WEINSTOCK. Well, you used the word "we." Whom do you mean by "we"?

Mr. FARBER. Not at the time, the men and myself, we had talked the matter over.

Commissioner WEINSTOCK. Whom did these men include; just give their names?

Mr. FARBER. Let's see. There was W. E. Chamberlain, was one—Chamberlain; Cooper—V. C. Cooper, H. H. Sammons, and J. S. Sammons.

Commissioner WEINSTOCK. Was Mr. Low one of the group who discussed the matter with you?

Mr. FARBER. No, sir.

Commissioner WEINSTOCK. Then you had a little conference and agreed that you would not testify?

Mr. FARBER. No, sir; each one was called individually. We had had considerable of these investigation committees, and as far as we could see there had never been anything, so far as we could understand, nothing gained by it.

Commissioner WEINSTOCK. Maj. Boughton had invited everyone of these men to testify?

Mr. FARBER. He asked us to make a statement.

Commissioner WEINSTOCK. And everyone, in turn, declined?

Mr. FARBER. Yes, sir.

Commissioner WEINSTOCK. You don't know anything about Mr. Low?

Mr. FARBER. No, sir.

Commissioner WEINSTOCK. He had never discussed the matter with you?

Mr. FARBER. I don't believe while the committee was there—I don't remember whether Mr. Low was there.

Commissioner WEINSTOCK. Have you ever discussed the question with Mr. Low, the question of his testifying or being asked to testify?

Mr. FARBER. No; I never did.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. Were you requested to make a written statement to the commission of inquiry headed by Maj. Boughton, and requested to appear before the commission and testify?

Mr. FARBER. He requested us to make a statement.

Commissioner GARRETSON. Isn't it a fact that under the present system of the transmission of telegrams, any telegraph operator in a country office at any waiting room could take or receive the message as it was sent or received?

Mr. FARBER. He could; yes; if he was a telegraph operator.

Commissioner GARRETSON. Either at the sending or receiving office?

Mr. FARBER. At either point.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all; thank you, Mr. Farber.

Lieut. Linderfelt.

TESTIMONY OF LIEUT. KARL E. LINDERFELT.

Chairman WALSH. What is your name, please?

Lieut. LINDERFELT. Karl E. Linderfelt.

Chairman WALSH. Where do you reside, Mr. Linderfelt?

Lieut. LINDERFELT. In Denver.

Chairman WALSH. What is your business, please?

Lieut. LINDERFELT. My business is mining.

Chairman WALSH. How long have you been engaged in that business?

Lieut. LINDERFELT. About 21 years.

Chairman WALSH. You are a native of what State?

Lieut. LINDERFELT. Wisconsin.

Chairman WALSH. How long have you lived in Colorado?

Lieut. LINDERFELT. Twenty-one years; practically 21 years.

Chairman WALSH. Has your business been that of mining during all of the time you have been in this State?

Lieut. LINDERFELT. Except when I have been in the service.

Chairman WALSH. How long have you been a member of the Colorado National Guard?

Lieut. LINDERFELT. Off and on since 1898.

Chairman WALSH. I wish you would begin at the very commencement of your career and state all the experience you have had as a military man, not only here but any place—all of your military experience.

Lieut. LINDERFELT. Well, as a young boy in Wisconsin I belonged to various cadet companies and a zouave company; and in 1898 I enlisted in B Troop, First Squadron of Cavalry, National Guard of Colorado. Afterwards transferred—

Chairman WALSH. That was what date, Mr. Linderfelt?

Lieut. LINDERFELT. I think the 26th of April, 1898. And we were transferred then—

Chairman WALSH. Lieutenant, I am going to ask you to pitch your voice a little high. It is difficult for this last gentleman on the end here to hear. I know it is difficult for you to do it, but pitch it as high as you can, and I may have to ask you occasionally—

Lieut. LINDERFELT. We were afterwards transferred into B Troop, Second Regiment, Volunteer Cavalry, Torrey's rough riders. I served with them until we were mustered out. Our principal service was in Jacksonville, Fla., and I was taken sick there at that time with dysentery, and finally the regiment was mustered out in the latter part of October; and I reenlisted in B Troop, Fourth United States Cavalry, December 5, 1898. I served in the Presidio, Cal., for a few months. Half of the regiment at that time was serving in the islands. The troop which I belonged to was ordered over to the islands in the early spring of 1899. I served in the islands 19 months with the Fourth Cavalry, in that command.

Chairman WALSH. What island?

Lieut. LINDERFELT. Philippine Islands, taking part in, I think, all the engagements, skirmishes, and battles that the troop took part in, and possibly five or six more, because I was in the scouts and participated in those fights as scouts, which the troop did not participate in.

After I was discharged at Manila I went into the Quartermaster's Department—it was not an enlistment, but I served with them, and was in Taku, China, with the Quartermaster's Department. When I returned from Manila I went, I think—I don't remember the exact date, but I returned to the United States in 1901. I did not serve a full enlistment—full three years—with B Troop, Fourth Cavalry. My father had died while I was over there in the islands, and I was discharged by way of favor.

In 1903, in August, I believe, I enlisted or reenlisted in my original troop, B Troop of the First Squadron of Cavalry, National Guard of Colorado. I served with that and was transferred—let's see, I served with that—I have my discharges in my pocket. I can give you the exact dates.

Chairman WALSH. All right, please do it. What is your age, please?

Lieut. LINDERFELT. Thirty-eight. I enlisted on the 28th day of April, 1898, in Troop B, First Squadron Cavalry, National Guard of Colorado. I was discharged from that—my discharge is dated the 13th day of June, 1898, "by reason of his having enlisted in B Troop, Second United States Volunteer Cavalry." Is there anything else—character, or anything else you wish from this?

Chairman WALSH. I wish you would read it all into the record, please.

Lieut. LINDERFELT (reading):

STATE OF COLORADO.

To all who shall see these presents, greeting:

Know ye, that Karl E. Linderfelt, a private of Captain Wm. G. Wheeler's company, Troop B, of the 1st Squadron of Cavalry, National Guard of Colorado, who was enlisted the 29th day of April, A. D. 1898, is hereby discharged from the service of the State, this 13th day of June, 1898, by reason of his having enlisted in Troop B, Second U. S. V. Cav.

Said Karl E. Linderfelt was born at Janesville, in the State of Wisconsin; is 21 years of age, 5 feet 9 inches high, fair complexion, blue eyes, light hair, and by occupation when enlisted a miner.

Given at Denver, Colo., this 13th day of June, A. D. 1898.

LEWIS BARNUM, *Adjutant General.*

Character: Excellent.

Per G. O. No. 72.

No. 19455—\$76.92 travel allowances allowed Feb. 9, 1901.

O. H. T.

Enlisted at Ft. Logan, Colo., Dec. 5, 1898, for the 4th Cav., by M. D. Cronin, 1st Lt. Adj. 25 Inf. R. O.

Know ye, that Karl E. Linderfelt, a private of Troop 13, of the Second Regiment of United States Volunteers Cavalry, who was enrolled on the first day of May, one thousand eight hundred and ninety-eight, to serve two years, or during the war, is hereby discharged from the service of the United States by reason of telegraphic instruction, dated Washington, D. C., A. G. O., October 15, 1898.

No objection to his reenlistment is known to exist.

The said Karl E. Linderfelt was born in Janesville, in the State of Wisconsin, and when enrolled was 21 years of age, 5 feet 8 inches high, fair complexion, blue eyes, light hair, and by occupation a miner.

Given at Jacksonville, Fla., this 17th day of October, 1898.

ARTHUR L. B. DAVIES,

Capt., 2d U. S. V. Cav., Commanding the Troop.

Countersigned.

JAY T. TORREY,

Col. 2d U. S. Vol. Cav., Commanding Regt.

(On the back of No. 19455:)

MILITARY RECORD.

Noncommissioned officer: No.

Distinguished service: None.

Battles, engagements, skirmishes, expeditions: None.

Wounds received in service: None.

Remarks: Service honest and faithful. Absent on furlough; entitled to travel pay.

Character: Excellent.

ARTHUR L. B. DAVIES,

Capt. 2d U. S. V. Cav., Commanding Troop B.

MANILA, PHILIPPINE ISLANDS.

Paid in full, Oct. 15, 1900.

JAMES CANBY,

Major and Adtl. Paymr., U. S. V.

\$47.99.

Know ye, that Karl E. Linderfelt, a private of Troop B, of the Fourth Regiment of Cavalry, who was enlisted on the fifth day of December, one

thousand eight hundred and ninety-eight, to serve 3 years is hereby honorably discharged from the Army of the United States by reason of Par. 3, S. O. No. 197, A. G. O., August 22, 1900.

The said Private Karl E. Linderfelt was born in Janesville, in the State of Wisconsin, and when enlisted was 22 years of age, 5 feet 7½ inches high, w., fair complexion, blue No. 12 eyes, l. brown hair, and by occupation a miner.

Given under my hand at Naic, Luzon, P. I., this twelfth day of October, in the year of our Lord one thousand nine hundred.

GEO. G. GALE,
Captain 4th Cavalry, Comdg. Post.

Character: No objection to his reenlistment is known to exist.

Character: Excellent.

S. M. P. RUTHERFORD,
1st Lieutenant, 4th Cavalry, Comdg. Troop B.

(On the back was written:)

MILITARY RECORD.

Previous service: Served in Troop B, 2d Vol. Cav., May 1st to Oct. 15, 1898.

Noncommissioned officer: Never.

Marksmanship: No record.

Battles, engagements, skirmishes, expeditions: Campaign against Filipino insurgents in Luzon, 1899-1900. Rio Grande-de-Pampanga River Expedition. Northern Luzon. Oct. 11 to Dec. 19, 1899. Southern expedition, Jan. 3 to Feb. 3, 1900.

Wounds received in service: None.

Physical condition when discharged: Good.

Married or single: Single.

Remarks: Service honest and faithful.

S. M. P. RUTHERFORD,
1st Lieutenant, 4th Cavalry, Commanding Troop B.

Battles, engagements, and skirmishes:

Rio Grande de Pampanga campaign—San Matio, August 12; Santa Ana, October 3; Arayat, October 12; San Isidro, October 20; near Santa Rosa, October 23; Talavera, October 31; night attack on Talavera, November 7; Punkan, November 9; Carrigian, November 9; Santa Cruz Mountain, November 23; Dupaz, November 23; Bayambang November 31; near Sibul Springs, December 10; Biac No Bato, December 12; San Matio, December 19. Southern campaign, 1900—Muertinlupa, January 6; Binang, January 6; Silang, January 7; Indang, January 7; Naic, January 9; San Pablo, January 14; Talong, January 14; near Talong, January 15; Sirlagoa, January 20; Tayabas, January 21; Lucban, January 22; Magdalena February 7.

Special Orders, No. 197.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, August 22, 1900.

EXTRACT.

* * * * *

3. By direction of the Assistant Secretary of War, Private Karl E. Linderfelt, Troop B, Fourth Cavalry, Manila, P. I., will be discharged from the Army, by way of favor, by the commanding officer of his station. This soldier is not entitled to travel pay.

By command of Lieut. Gen. Miles:

[SEAL.]

H. C. CORBIN, Adjutant General.

M. T. GUNNELL,

Attorney at Law, Colorado Springs, Colo.

STATE OF COLORADO.

To all who shall see these presents, greetings:

Know ye that K. E. Linderfelt, first sergeant of Lieut. J. R. Galloway's Troop A of the First Squadron Cavalry of First Brigade, National Guard of

Colorado, stationed at Telluride, Colo., who was enrolled the 4th day of September, A. D. 1903, is hereby discharged from the service of the State of Colorado, this 18th day of April, A. D. 1905 by reason of Special Orders, No. 27, adjutant general's office, dated at Denver, Colo., April 11, 1905.

Character: Excellent.

DESCRIPTION.

Said K. E. Linderfelt was born in Janesville, in the State of Wisconsin, is 29 years old and has blue eyes, brown hair, medium complexion, and is 5 feet 8 inches high, and by occupation when enlisted a miner.

MILITARY RECORD.

Five months Troop B, Second United States Volunteer Cavalry; one year and eleven months Troop B, Fourth United States Cavalry; transferred from Troop B First Squadron of Cavalry, National Guard of Colorado, to Troop A of the First Squadron of Cavalry, National Guard of Colorado, February 16, 1904.

Given at Telluride, Colo., this 20th day of December, A. D. 1905.

JOHN R. GALLOWAY,
First Lieutenant, First Squadron Cavalry, N. G. C.

Maj. ZACK. T. HILL, *Commanding Troop A,*
Commanding First Squadron Cavalry, N. G. C.

Chairman WALSH. That is the entire record, is it, as shown?

Lieut. LINDERFELT. No, sir; it is not. I can't read Spanish, but here is a discharge from Madero, of the Mexican Army.

Chairman WALSH. Just state in substance what it is in English.

Lieut. LINDERFELT. Accepting the resignation of Capt. K. E. Linderfelt and gives my service, and promoted from second lieutenant, for merit, to first captain, and discharged from Juarez the 10th of May 1911.

Chairman WALSH. Commissioner Garretson requests that you let him see that.

(The document here handed to Commissioner Garretson was as follows:)

"Siento en el tener que aceptar su renuncien al mando de la compaña Americana y su baja de las filas de las fuerzas Libertadoras. Sus servicios datan desde el febrero 14 como capitan segundo y fuè promovido a capitan primero por merito de guerra el 17 de abril de este año.

Coronel JOSÈ GARIBALDI.

Al Capitan Primero K. E. LINDERFELT,
Juarez, 12 mayo 1911.

Lieut. LINDERFELT. Now, my record—there is another enlistment in K First and K Second Infantry in Colorado, and we were transferred, I think, from K Second to K First. I was first sergeant, corporal, and so on; and then I was promoted to second lieutenant and served as second lieutenant and resigned; but I have no certificate of that service; it is on the record in the adjutant general's office.

(Lieut. Linderfelt subsequently submitted the following:)

STATE OF COLORADO.

ADJUTANT GENERAL'S CERTIFICATE OF SERVICE.

This certifies that First Lieut. K. E. Linderfelt, a first lieutenant in Company K of the First Infantry, National Guard of Colorado, was enlisted on the 26th day of September, 1905, at Victor, Colo., by Capt. Hoag, for a period of one year, and that he was discharged on the 2d day of June, 1907, at Victor, Colo., by reason of resigned from the service.

DESCRIPTION.

Said K. E. Linderfelt was born in Janesville, in the State of Wisconsin; at the time of enlistment, September 25, 1905, was 29 years old, had blue eyes, light brown hair, fair complexion, was 5 feet 9½ inches high, and by occupation when enlisted a miner.

MILITARY RECORD.

Enlisted Company K, Second Infantry, National Guard of Colorado, September 26, 1905; sergeant, October 21, 1905; first sergeant, October 24, 1905; elected second lieutenant, March 29, 1906. Transferred and assigned to duty with First Infantry, December 28, 1906; first lieutenant, December 28, 1906, as shown by the records of the adjutant general's office of the State of Colorado.

Given under my hand, at the city of Denver, this 11th day of December, in the year of our Lord one thousand nine hundred and fourteen.

[SEAL.]

JOHN CHASE,
Adjutant General.

Chairman WALSH. What was your employment immediately before you were called out with your company at the time of this last strike?

Lieut. LINDERFELT. I was working at the El Paso mine at Cripple Creek.

Chairman WALSH. That is a metalliferous mine?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. What company were you working for?

Lieut. LINDERFELT. El Paso.

Chairman WALSH. In what capacity?

Lieut. LINDERFELT. I had a contract in the shaft.

Chairman WALSH. Just briefly describe what is the nature of those contracts.

Lieut. LINDERFELT. Sinking the shaft and timbering it up. It is a little peculiar contract, because they had driven a raise up there and allowed the raise to fill up, in removing the rock and timber in the shaft.

Chairman WALSH. How long were you at Cripple Creek, or had you been at the time you were called out?

Lieut. LINDERFELT. Well, I have been in Cripple Creek off and on since 1894.

Chairman WALSH. Were you a deputy sheriff or mine guard at any time prior to the evolutions of the militia in the field?

Lieut. LINDERFELT. Yes; I was a deputy sheriff, but not a mine guard.

Chairman WALSH. Where were you deputy sheriff?

Lieut. LINDERFELT. I was deputy sheriff at Ludlow.

Chairman WALSH. How long prior to the time the militia was called were you deputy sheriff at Ludlow?

Lieut. LINDERFELT. I haven't that here—about two weeks.

Chairman WALSH. About two weeks?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. By whom were you commissioned?

Lieut. LINDERFELT. By Sheriff Gresham.

Chairman WALSH. By whom were you paid for the two weeks' service?

Lieut. LINDERFELT. By the county.

Chairman WALSH. During that two weeks was there any trouble of any kind at the place where you were located?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Were there any altercations with the strikers?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Give the general nature of it, please. I do not care for the details, just the general nature of the matter. Were you assaulted or did you assault anyone, or how was it?

Lieut. LINDERFELT. I was sent out there to Ludlow to take charge of a detachment of county deputies at Ludlow station, or section house, which is directly south of Water Tank Hill.

Chairman WALSH. How many men were in the detachment?

Lieut. LINDERFELT. When I got out there there were about 20, and there was a detachment at Chicosa, just about 8 miles from there, which I also had command of.

Chairman WALSH. Just describe, beginning at your first appearance there, down to the end of your service as a deputy sheriff as to any trouble that took place.

Lieut. LINDERFELT. My instructions, when I went out there, was to arrest anyone who started any trouble, whether strikers or mine guards. Gov. Ammons, Mr. Lawson, I believe, John Lawson, Sheriff Gresham, and Col. Lee were at the Cardenas Hotel, and the sheriff agreed to send out a detachment of deputies in charge of some one who would see who started the trouble, and I was sent out in command of those deputies.

Chairman WALSH. Placed in command by whom?

Lieut. LINDERFELT. Sheriff Gresham. I went out there to Ludlow, at the section house, where we were stationed, and took command of it. I found, when I got out there, that there seemed to be more or less feeling between the deputies—among themselves—as toward the mine guards. Some of them did not want to have anything to do with the mine guards, and thought they were in the wrong, and some thought the striking miners were in the wrong and would discuss that; but I explained to them that their duty was simply to preserve the peace and arrest whoever violated the peace.

They were going to the depot and meeting the trains at that time—about 20 men; previous to my arrival there they had taken some of these men and sent them over to Chicosa, I think about 12. I cut the patrol down to meet the train, and just about got things started, getting the men lined up in some kind of order and having the horses shod in shape, and I was over at Chicosa; on my way back, about halfway from the station house, I heard firing in the direction of the section house. It was about train time. Four men had gone to the train, and as they came to Water Tank Hill they were fired on from Ludlow. They were between Ludlow and the steel bridge—in the cut—there is a big heavy cut there that the railroad goes through and the sand is thrown up making quite a good-sized mound, and they were fired on from that place, I think. I immediately spurred up my horse and started over to the section house; but before I had gone very far, heavy firing broke out from Water Tank Hill toward the section house.

There is a large bank, a railroad bank, that runs in this direction [indicating] and turns under the steel bridge going to Ludlow. Below the steel bridge is the section house. The road follows this railroad track. On the side nearest Water Tank Hill, as I was riding there, I observed some heavy firing from the hill and dismounted and got behind the railroad bank with two men and returned the fire. I worked around this railroad cut, on the opposite side of the road, which gave me protection toward the station.

I found the deputies that were there were driven back from all points except a few around the station house. Then, a lot of men came down from Berwind Canyon and joined in with us and we drove them from Water Tank Hill, and about 4 or 5 o'clock, I think, the fight was over.

At 2 o'clock that morning a heavy snowstorm had set in and all these men from Berwind Canyon had gone back and the situation at the station house was absolutely unmilitary for protection, and we abandoned that—that station. I, in the meantime, had phoned Gen. Chase.

Chairman WALSH. Excuse me, what date was that?

Lieut. LINDERFELT. Well, now, I think I have a copy of a telegram that would give me that. It was the Saturday before the troops came in.

Chairman WALSH. The Saturday before the troops came in?

Gen. CHASE. I can give you that date.

Chairman WALSH. What was the date?

Gen. CHASE. Saturday, October 25, 1913.

Chairman WALSH. Was that the date, October 25, as you remember it?

Lieut. LINDERFELT. It was the Saturday before the troops came in.

Chairman WALSH. How many deputies were engaged in that fight?

Lieut. LINDERFELT. Why, I should think we had about 23 or 24 regular county deputies.

Chairman WALSH. And were there any other persons engaged in it outside of the regular county deputies on your side?

Lieut. LINDERFELT. Except these men that came down from Berwind; whether they were deputies or who they were, I could not state.

Chairman WALSH. About how many of them were there?

Lieut. LINDERFELT. About 60, I think.

Chairman WALSH. I interrupted you, when you said you got a telegram from Gen. Chase.

Lieut. LINDERFELT. That was to fix the date.

Chairman WALSH. Can you give us any better information, Lieutenant, as to who these 60 men were?

Lieut. LINDERFELT. I think possibly they were storemen, miners, mine guards, watchmen. They came to our assistance, and if they had not come to our assistance we would have been wiped out.

Chairman WALSH. How many of them were there on the other side?

Lieut. LINDERFELT. Who were firing at us?

Chairman WALSH. Yes.

Lieut. LINDERFELT. From the volume of firing I would estimate them in the neighborhood of 150 or possibly 200, possibly less.

Chairman WALSH. What arms were used on both sides?

Lieut. LINDERFELT. Well, we had—most of the men that were with me had 30-30 carbines, small saddle guns.

Chairman WALSH. Where were they obtained?

Lieut. LINDERFELT. The sheriff gave them to them.

Chairman WALSH. Those that came to your rescue, how were they armed?

Lieut. LINDERFELT. Indiscriminately.

Chairman WALSH. Now, did you have any other experience before the militia was called out?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Just describe that.

Lieut. LINDERFELT. Prior to this time, while I had been down there, I had been phoning Gen. Chase not what I heard but what I saw—absolutely what I saw without any bias one way or the other, just simply as I saw things in Trinidad and the district. I phoned him or wrote him. I don't remember whether I wrote him at that time; but after this fight at Ludlow on October 25 I phoned Gen. Chase from the station house exactly what had occurred and that I was going to abandon the station house and go into Berwind Canyon; there was no other place I could go—no place I could defend myself at all.

I also—there was a commissary, a man in charge of the commissary by the name, I think, of Wilkins—a man by the name of Wilkins or it may have been Wilson—who was in charge of the commissaries and a kind of fiscal agent for the sheriff. I had him phone Sheriff Gresham exactly what had occurred. We had one man killed. We phoned for the coroner, and Sheriff Gresham said he was going to reinforce us as quickly as possible.

Chairman WALSH. Were there any wounded?

Lieut. LINDERFELT. What is that?

Chairman WALSH. You say you had one killed; were there any wounded?

Lieut. LINDERFELT. What wounds there were were mere scratches.

Chairman WALSH. What were the casualties upon the other side?

Lieut. LINDERFELT. I don't know.

Chairman WALSH. You never heard anything about that? You never heard whether there were any killed or wounded?

Lieut. LINDERFELT. I don't know anything about that.

Chairman WALSH. Go ahead.

Lieut. LINDERFELT. We went to Berwind Canyon about 2 o'clock in the morning and took what county property we could and provisions, and we went to the pump house—not pump house, but hoisting plant; anyway it is the power house at Berwind Canyon—and slept there.

I was on my way to have breakfast and a man came up to me and told me they were coming. I said, "Who?" and he explained the striking miners were coming up on the hills to attack the canyon. I gathered, I think, about 20 men and started up on the left-hand side of the canyon, because of the military importance of the crest of those hills. Just as I arrived at the crest I think there was, from the volume of fire, about 25 or 30 men opened up. They were within 10 yards of us in the rocks and shrub trees. It was very difficult to see. There are big, heavy rocks in that country some 10 or 12 feet high. We replied to the fire, and some of the men left. In fact, quite a number left that were with me.

There was a dump from the washer. The conveyer ran up in this direction [indicating] and dumped the waste from the washer, making a slide or dump of very fine material, and they could jump off the cliff 10 feet high and strike this slide and go right down into the canyon, and some left that way and some fell back down the hill.

We fought them about an hour in that immediate place. I was in a position between two rocks, and I had a dog with me, and every time one of us would show a head or anything we would be fired at, so it was almost suicide to raise my head, and so I could not notice what was going on up the canyon. I could see up the canyon, and they were firing along the ridge into the entire canyon until you come to the power house, where the canyons branch. One goes in this direction and in in this direction [indicating]. Beyond where the branch was I could not tell whether anyone was firing up there.

Finally some—a detachment from the power house got up on the hill at the power house and came down across the nose of the canyon toward the position I was in and flanked these people out of there and they left. There was one

man of mine, a man by the name of Wilkins, I think, who was killed. I could see these men and hear them talking and firing. I was within 15 to 20 yards of the body. Of course his body had been looted; his revolver and his rifle, his watch and money had been taken from him and his body had been shot into seven or eight times after death, and his face mashed with butts of guns. We got the body down. I sent some telegrams to Gen. Chase at that time, probably three or four.

Chairman WALSH. Have you copies of them there?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Introduce them into the record, please.

Lieut. LINDERFELT. This is a copy of a telegram I sent the next day:

BERWIND, October 27.

The ADJUTANT GENERAL:

There has been a continuous battle for 40 hours. We have no expectation of ever receiving any help from Sheriff Gresham. Too damned much politics to do anything from Trinidad. We must have ammunition and high-power rifles to hold this place and protect women and children. The guard who was killed yesterday was robbed and shot into after death five or six times. The only solution to this is troops, and at once. No help can be expected but from troops.

LINDERFELT.

This, I think, is the answer to the telegram:

DENVER, October 27.

LINDERFELT:

Sheriff Gresham phoned 8.30 this morning a sufficient force of deputies about to leave Trinidad to relieve you. They should be in contact with strikers at 10 a. m.

JOHN CHASE.

Then the following day I sent this message:

The ADJUTANT GENERAL:

Mounted man from Tabasco reports special with deputies and soldiers driven back. I don't question report. Large body of men leaving Aguilar to reenforce. Rebels at Ludlow openly make statements they are going to clean up Berwind and Hastings. Situation looks hopeless. No hope can be expected only from troops, as there is nothing left to hope for.

LINDERFELT.

Here is one dated October 29, 1913:

BERWIND, October 29, 1913.

GEN. CHASE:

The situation is desperate here. There has been all kinds of leaks on the phone wire. Every man is all in. What we need most is fresh men to help out and service ammunition. Get 50 men in here before daylight over the hill road in machines. It is an impossibility to keep the gun on the hill all night. Wire will be cut to-night.

LINDERFELT.

Then I sent this message to the adjutant general by phone. This is a copy of the phone message I sent. Unfortunately, I did not make copies of my phone messages until at the last:

The ADJUTANT GENERAL,
Statehouse, Denver, Colo.:

Unable to get ammunition in. When will troops get into Berwind? Phone line in possession of rebels. Many deputies refuse duty. Answer over wire.

LINDERFELT.

Then here is a second message:

COMMANDING OFFICER, Camp Berwind:

Can actually see no more than 8 or 10 rebels in their camp at Ludlow. Am keeping sharp lookout. Will remain in present positions until further orders. Have scouts well out and excellent view of front and both flanks.

SCOTT, Lieutenant.

Messenger sent 8 a. m.; received 8.09 a. m.

LINDERFELT.

6874 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

This is a message from Lieut. Scott, whom I placed in command of the hill. Chairman WALSH. What hill was that?

Lieut. LINDERFELT. That is what is called Battle Mountain at Berwind.

Then I sent the following telegram to Acting Sergt. Casey:

From: Lieut. Linderfelt, C. O. Camp, Berwind, November 15, 1913.

To: Acting Sergt. Casey (Battle Mountain).

You will return to quarters with your men and machine gun. Sergt. Davis will give you what help needed to get the gun down.

LINDERFELT.

Then here is a telegram from me to Sergt. Davis:

From: Lieut. Linderfelt, C. O. Camp, Berwind, November 15, 1913.

To: Sergt. Davis, Company A, First Infantry (Battle Mountain).

If at 8 a. m. no signs of the enemy can be seen, you will send the guard detailed for 24 hours to their regular posts. The rest of the guard under your command will remain at their present stations until further orders.

LINDERFELT.

That message was sent by foot messenger.

Then here is another message sent by foot messenger to Sergt. Davis:

From: Lieut. Linderfelt, C. O. Camp, Berwind, November 15, 1913.

To: Sergt. Davis (Battle Mountain).

You will take what men you have and help bring the machine gun down the hill.

LINDERFELT.

Then here is a message to Sergt. Casey:

From: Lieut. Linderfelt, C. O. Camp, Berwind, November 15, 1913.

To: Acting Sergt. Casey, M. G. (Battle Mountain).

If nothing can be discovered on the hills of the enemy, you can let two of your men come down to eat, and relieve the other two when they return, so they can breakfast. Aside from that, hold your present position until further orders.

LINDERFELT.

Then here is message No. 3, to commanding officer Camp Berwind, October 29, 1913:

Message No. 3.

OCTOBER 29, 1913.

COMMANDING OFFICER, *Camp Berwind*:

About 50 rebels counted came from under steel bridge 400 yards north of rebel camp on C. & S. at one time back to their camp. Rebels still observed at bridge. Tent colony is now seen to be alive. An occasional shot, numbering 25 now, heard far away, apparently north of rebel camp.

LINDERFELT.

Received 10.22. Messenger sent 10.30.

SCOTT, Lieut.

Then here is a message from Lieut. Scott, No. 5, dated October 29, 1913:

Message No. 5.

OCTOBER 29, 1913.

COMMANDING OFFICER, *Camp Berwind*:

Your order relative mounted scouts at 10.24 a. m. received at 11.45. Same has been complied with.

SCOTT, Lieut.

Foot messenger: Time 11.55; received 11.12 a. m.

LINDERFELT.

Then here is another message from Lieut. Scott, dated 7.45 a. m., October 29:

OCTOBER 29—7.45 A. M.

COMMANDING OFFICER, *Camp Berwind*:

Get splendid view of strikers' tents with field glass, and can see no strikers and but three fires giving smoke.

SCOTT, Lieut.

Received 7.03 a. m.

Then here is a message dated October 30, 1913, to me from Lieut. Scott:

Message No. 1.

OCTOBER 30, 1913.

Lieut. LINDERFELT, camp Berwind:

No need for any alarm here just now. Rebels parading in regular formation around their camp. Great cheering. Autos, etc., going in and out occasionally from their camp.

Scott, Lieut.

Foot messenger; 11.15; received 11.22.

LINDERFELT.

Then here is message 6, October 29, 1913, from Lieut. Scott:

Message No. 6.

OCTOBER 29, 1913.

COMMANDING OFFICER, Camp Berwind:

Three hundred rebels counted are observed in Ludlow Camp. Keeping close observation on them. Do not anticipate leaving their camp this afternoon.

Scott, Lieut.

Foot messenger; 3 p. m.; received 3.14 p. m.

Then here is a message from Sergt. Hooker:

10.20

Capt. LINDERFELT:

The miners are all leaving their camp and are concentrating on that knoll where they fired on us Monday, and there is a train coming. Their forces are all gathering in front of their tents. The hill along the D. R. G. track is lined with them. Send me instructions.

Sergt. G. F. HOOKER,
Commanding Outpost.

Received 10.26.

Then here is a message from Lieut. Scott:

Message No. 2.

NOVEMBER 1.

Rebels have halted about 700 yards southeast of camp. Head of our infantry and cavalry are seen marching toward rebels toward Berwind east of Ludlow.

Scott, Lieut.

Foot message, 10.15.

Chairman WALSH. Excuse me. I was asked to ask a question by Commissioner Weinstock. What time did the troops come into the field?

Lieut. LINDERFELT. They relieved me on November 1.

Chairman WALSH. So that all of this was during the time you were a deputy sheriff under Sheriff Gresham?

Lieut. LINDERFELT. No, sir; I was acting after that first fight at Ludlow as a military officer entirely.

Chairman WALSH. As a lieutenant in the National Guard of Colorado?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. After the first fight?

Lieut. LINDERFELT. Yes, sir; this fight I have just explained.

Chairman WALSH. Were you commanding the troops at that time or commanding deputy sheriffs?

Lieut. LINDERFELT. Deputy sheriffs. To explain, I can go on there—well, after this fight Saturday I had retired to Berwind Canyon; we had a small skirmish, as I explained, Monday—or Sunday morning, rather. I think one of these telegrams—some of them I have misplaced. I probably have them, but in my hurry I did not gather them all up, possibly.

Chairman WALSH. You can supply any afterwards.

Lieut. LINDERFELT. But I wired—the telephone line was out. You see they had taken possession of this station—the section house—and were intercepting our wires—the telephone wires—which were on the same line. They would holler and make a noise or something, so that we could not get telephone mes-

sages out, and finally burned the section house that Sunday afternoon. In doing that, destroyed our telephone communications and also our communications with Trinidad. So I had to get these out over the Berwind wire.

Well, the Sunday that I received the telegram from the general that I submitted, saying that I would be relieved by a sufficient force of deputies, and they would come in contact with strikers about 10 o'clock that morning. They did, and it was not until about 3 o'clock that afternoon. They had gathered up what men they could by orders of Gen. Chase, in Trinidad, belonging to B Company, Second Infantry, which company has been in existence there for quite a while; I don't know how long; five or six years, I imagine. They were composed principally of Mexicans.

They managed to get together about 15 of these men. There were 3 sergeants detailed there as instructors to that company—Sergt. Hooker, Sergt. Taylor, and Sergt. Arnold. They were living in the armory under the pay of the State, as I understand it—no; I am not positive about this, but they were, I know, living in the armory and the State was paying for their meals, and I think they received pay. They were guarding the armory because there was quite a bit of property in there. I should imagine 60 stand of rifles, boxes of ammunition, and equipment that goes with the company.

Sergt. Hooker was the ranking sergeant. Gen. Chase instructed him to report to Sheriff Gresham with his command, as many as he could assemble, and the 17 reported under command of Sergt. Hooker. They got into a special train with the machine gun that the sheriff sent. Now, I can't say whether the sheriff sent that, because I don't know whether he did or not, but anyway a machine gun came out with them. They went out to Ramey siding and were driven back by strikers. We could see the fight from the hills very plainly. The rebels were along at Green Ranch and Water Tank Hill, and, in fact, as far over as Ramey. The soldiers and deputies were driven back from there. There was, I think, about 50 deputy sheriffs in this train and 17 soldiers. Well, they went back to Forbes Junction, detrained there. They had five men slightly wounded, but none of them seriously. It was principally the soft-nosed bullets would strike the steel cars, and flying to pieces, splintering, and it was the pieces of lead and the pieces of the steel jacket that had wounded these men; none of them but what they could march over the hill. They came up over the hills and came into the upper end of Berwind Canyon that evening. I think they left two men that were serious—a little more serious than the others. One was shot through the arm, but no bone broken; I think it was a piece of steel jacket that went through his arm. I saw him later. They got in there about evening.

At that time Charles Neal, the superintendent whom I was working with, and I had taken military control of the whole situation at that time as far as I could. I found some National Guardsmen working at these places, and I immediately placed them on duty. One of them was Lieut. Scott. They came in there. Sergt. Hooker reported to me. Sergt. Hooker and 16 men reported to me for duty as military officer from—there that evening. I found one man whose rank was a first sergeant in C Company, Second Infantry, a man who had had an immense amount of experience, being over in the Islands with me. I placed him in command of the machine gun. I took possession of the machine gun at that time. The machine gun was a 7-millimeter, Colt's automatic.

That night—let me see; wait a minute—I understood in my conversation that night which I had from Gen. Chase over the phone that I was to take military control of the situation and that martial law had been declared. Now, that was Sunday night. I did so, so far as 17 men and guardsmen whom I found working in the mine, and reported to me from time to time, until I had about 20 or more National Guardsmen, who, of course, were not in uniform and not with their equipment. I took possession of this detachment anyway. That night Mr. Neal phoned, I think, Mr. Welborn—at that time I didn't know who he phoned, but it was to the "big boss," he said, and he told him that we had done enough and to get those women and children out of there if we could not hold them. We held a council of war that night to decide what to do next morning. A. C. Felts was there, who, I think, is a member of or manager of the firm of Baldwin-Felts. Mr. Felts had some men with him, deputy sheriffs. Whether they were regular deputies or where they came from I didn't know the men, and don't know but few of them to this day. Some of them, I think, are still serving as regular deputy sheriffs that he brought with him. We decided—or in that conference that evening,

we decided—about what we ought to do that night, what we were to do the next morning to protect ourselves, the women, and children, the property, etc. We decided that the scheme of occupying the hill with the machine gun and the 17 Springfield rifles that the soldiers had, and a carbine which I had—they were the only real high-powered guns we had—that we would occupy that hill long before daylight, which we did, and we were entrenched, had our trenches with screens in front of the trenches long before daylight, and the men were all in position at daylight.

Felts was to take what men he had and clear the hills around the canyon. He was to do this under the cover of the machine gun and the Springfield rifles. I think it was about 2 o'clock in the morning when we reached this conclusion; and I think at 3 o'clock I moved out and occupied the position which we did. At daylight we had three, I think, power glasses; Lieut. Scott had one, I had a pair, and there was a pair that some man had that was with the machine gun.

Just at daylight we could see them coming across to the canyon on the hills on the other side of the canyon—Berwind Canyon. We were on this hill here [indicating], the canyon was here, with the houses and women and children and stores—the miners lived in these canyons, and the other hill across was where they were coming over. I did not fire. And I held my fire, because it would expose our position as soon as we fired, and I waited for an absolute certainty that they were attacking, and firing, before I fired.

They got into position around the hill, and, in fact, we were on a higher hill than they were. Our side of the canyon was higher, and they were coming down to this rim rock across an open space about 100 yards where there were no trees, just simply bunch grass; taking up a position along this rim rock we could see them very plainly coming down in this direction, and then they were about—about half past 6 or a quarter to 7 they opened up fire into the canyon. They kept working up the canyon, some men kept showing up, more men showing up and working up the canyon until they were opposite the power house, and it was that detachment that shot the two children in bed in the house above the power house. Now, I think they fired for 30 minutes—that these men were moving.

Chairman WALSH. How many strikers were there?

Lieut. LINDERFELT. At that time?

Chairman WALSH. Yes.

Lieut. LINDERFELT. Well, they were continually arriving until I think about 400 were immediately around Berwind.

The men wanted to fire, but it was not a proper thing to do at that time, until they got into a position where, if I had fired on them, they could not slip over the ridge and down the other side, and then that would have been an end to it. Coming down the hill, getting a position in the rim rock, I could control it with the Springfields, and I could use a plunging fire on them with the machine gun.

About 30 minutes after the shooting—after the first shooting—they opened up on these men who were firing from the houses and stores in the canyon. Then I opened up. I gave the order, "Clip fire," and "Two clips," "Machine gun," until "Cease fire," was given. The men were in their shelter trenches, opened up and gave them two clips a piece, and about 200 or 150, I should say, shots out of the machine gun. Then we ceased. Then this fire from the rocks, from above the canyon, absolutely stopped at that time. I don't know whether it was a surprise or whether it was—

Chairman WALSH. What do you mean by two clips?

Lieut. LINDERFELT. Two clips—a service rifle holds a clip of shells in the loading at one time of five shells, so that two clips would be 10 shells.

Then I gave the order for picket shots to Sergt. Arnold and Sergt. Taylor, both of them, expert rifle shots and qualified at the range. I knew of them. There were two Mexicans in the command who had served in the Regular Army. One of them had shown me his papers as a sharpshooter. I gave orders for them to fire. The machine gun was to fire single shots only, which fire we kept up all day, either by a volley, complete volleys, or individual fire when we could see an object to fire at, from both the machine gun and the men. That went on until about 10 o'clock. We saw them from the hills opposite us. I think it was about 10 o'clock a snowstorm started up and it was a very heavy wet snow and squally in between times, the clouds—there would be rifts in the clouds, the clouds came right over us, we could see a rift in the cloud and see across the canyon occasionally. When we saw them we could see these men moving up or down across the canyon. The firing had almost

entirely ceased. I think what firing they done then was when there was a rift in the clouds, they would fire through the rifts.

At 12 o'clock the fight was entirely over with. Now, what the results of that fight was, about that, I don't know. We found a great many pools of blood up there, and I think thousands of empty shells. The bullets we picked up that were given me were every one soft nosed 30-30 and some 25 Remington rimless.

Chairman WALSH. What were the casualties upon your side?

Lieut. LINDERFELT. The only casualties on our side were the three children, or the children hit. There had been men scraped, but no disabling wounds.

Chairman WALSH. Commissioner O'Connell wants to know what was the minutiae or the form that was gone through to change your status from a deputy sheriff to an officer of the militia.

Lieut. LINDERFELT. I had been an officer of the militia for two years or more.

Chairman WALSH. Yes; but was there any action taken by any superior officer that changed your status?

Lieut. LINDERFELT. Exactly; yes, sir.

Chairman WALSH. What was that?

Lieut. LINDERFELT. It was from Gen. Chase to take military control of the situation.

Chairman WALSH. To take military control of the situation?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. By what authority did you declare martial law, or a state of insurrection, or whatever you did?

Lieut. LINDERFELT. I understood at that time that martial law had been declared by the governor. Anyway, whether it was or not, it was simply—I understood from Gen. Chase, and consequently it was my order. The first order I issued was—

Chairman WALSH. At that time the governor had not ordered out the troops?

Lieut. LINDERFELT. No, sir; except the 17 men at Trinidad.

Chairman WALSH. Where did you have your communications with Gen. Chase, from where—where was he?

Lieut. LINDERFELT. He was at the statehouse.

Chairman WALSH. In Denver?

Lieut. LINDERFELT. I don't know how it was arranged, but I could get him on the phone immediately, and if the phone was not working I could get a wire to him at once.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. We followed from that time—after that fight I kept the machine gun on the hill, and from the troops at night I would throw heavy outposts on the farther hills to protect the camp and give us an alarm and give us time to get into position before they arrived there. I had informed Gen. Chase of everything that had taken place. On the 1st of November, Col. Davis came in, with, I think, about four companies, a battalion of troops.

Chairman WALSH. What was the seeming purpose of the strikers in making the attack?

Lieut. LINDERFELT. Destruction of the canyon.

Chairman WALSH. That is, the property in the canyon, you mean?

Lieut. LINDERFELT. The property and the men working there.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. Yes. Col. Davis came in on the 1st of November. I was not in uniform; had no uniform with me; took my detachment down to the steel bridge at Ludlow and reported to Col. Davis. He ordered my company back to Berwind to stay there. They started in from the mouth of the canyon and disarmed every man who had a gun, and made a search, taking guns. The miners, mine guards, mechanics, storemen, superintendents, and foremen turned over their guns. They did not turn over the machine gun, because I had taken possession of that myself.

Chairman WALSH. Whose machine gun was that?

Lieut. LINDERFELT. I don't know who it belonged to. It either belonged to the coal companies, or the Baldwin-Felts; it might have belonged to the sheriff. We got it from the sheriff, because I saw the gun previous to that in the sheriff's office.

Chairman WALSH. It was not part of the military equipment of the State?

Lieut. LINDERFELT. No, sir; we are not supplied with machine guns. They disarmed everyone in the canyon, even to taking the rifles from the stores, and the ammunition. In fact, I believe he gave orders to disarm men, everyone,

and they disarmed me—some sergeant who didn't know me, not in uniform, disarmed me. Of course, I explained and got my arms back at once. They took possession of all the guns, took all these mine guards—they wouldn't go into a town without protection, and I think they took them out that evening—yes, I know they took them out that evening, into Trinidad where there was—we had—the general had ordered out the troops that night to protect them, because these strikers were going to take them out and hang them, when they were in the corridor of the hotel. I was in town that evening and had procured my uniform, so that I remember that very distinctly, because I was on duty practically all night. Then I had to report to the general.

Now, I found in Berwind quite a number of ex-soldiers; I do not mean hundreds of them, but 8 or 9 or 10, good, clean-looking men; so I enlisted them on November 1. Some men had four years in the Navy, some men had served an enlistment in the Army, and some had more. One had been first lieutenant in the Virginia National Guard; and they were very desirable men and soldiers, so I enlisted them at that time into B Company, Second Infantry. Capt. Haeffiger, Company A, First Infantry, was stationed at Berwind, and so was B Company, Second Infantry—my company. We remained a permanent garrison there at Berwind.

Chairman WALSH. I have been asked by Commissioner Lennon to ask you what was the occupation of these men that you enlisted at the time of their enlistment or prior thereto?

Lieut. LINDERFELT. Why, some of these men were working around the mines.

Chairman WALSH. What were they, mechanics or miners or mine guards?

Lieut. LINDERFELT. Some were deputy sheriffs. There were none I enlisted, as I remember, were mine guards at that time, although there were four or five or six—six, I think—who enlisted in my detachment that were deputy sheriffs—regular deputy sheriffs, paid by the county. Well, then, from November 1 on, why, it was the same occupation—military occupation of that district I was in command of.

Chairman WALSH. When were the troops called out by the governor?

Lieut. LINDERFELT. Sir?

Chairman WALSH. When was the order made by the governor for the troops to go into the field; what was the date?

Lieut. LINDERFELT. I think the 28th of October; but I was relieved November 1.

Chairman WALSH. I wish you would state now, as briefly and concisely but as fully as possible, your experience with the strikers during the early part of the occupation by the militia after the governor's call.

Lieut. LINDERFELT. You mean the general relative conditions between—

Chairman WALSH (interrupting). At the early stage—

Lieut. LINDERFELT (interrupting). The military and strikers?

Chairman WALSH. Yes; during the early occupation.

Lieut. LINDERFELT. Well, we were patrolling; of course, being cavalry, we were mounted shortly afterwards, but we did practically all the patrolling in that vicinity. We used to patrol as far as Aguilar and Forbes and Chicosa and Black Hills, and back over on the mesa back of Hastings and Delagua, and in that country. There was a company stationed at Hastings, L First and K First at Ludlow depot, and I used to do most of the patrolling for that vicinity on account of being mounted. I had about—we tried to keep up about 50 men, but I think our general average was about 37 or 38. I am not in command of that company, and so I haven't the morning reports of it.

The relations at that time between the National Guard and the striking miners I should say were particularly friendly, with the exception of a few individuals. At that time I was searching for arms frequently, and of course they were hid and I had quite a bit of difficulty in getting them, and I came into contact more or less with them; and there were two or three searches of the tent colony. We were particularly unfortunate to incur the enmity of the strike leaders almost at the outset, principally, I think, due to the fact that we had been in that fight of the 28th, I think it was—yes; Monday, the 28th of October—with these Mexicans. Now, these Mexicans who were with me were, as far as their military ability goes—I would not want better men than they were—obeyed orders better. But they were immensely useful in many ways. They could gather information from all over the country, and they did, which was a very valuable thing for a military commander to have. They knew practically all of these first miners in the tent colony—these first people that were in the tent colony—the Americans, the Mexicans, the few Greeks,

and Italians that were then there. They were repeatedly told that they had better quit that National Guard or they would get them as soon as they left, but we did not pay much attention to that. But at that time, at the first, when they first started to really search the tent colony for arms, merely going in and looking through the tents, the different organizations were ordered in from different parts of the field to surround the tent colony and take charge of it. I think principally where my first great difficulty, or great difficulty, arose was from the fact that I was not properly backed up by some of my superior officers, not to—for instance, Maj. Kennedy and Capt. van Cise would lay blame onto me or my command when it should be some one else, or where no blame should have been laid.

One time there was an old man about 65 years old had come in to visit his daughter at Hastings, and between the Ludlow depot and the corner of the Ludlow tent colony he was assaulted by one or two individuals—I don't know who they were, but they were from the tent colony—and badly beaten up. I was at the depot at that time with a detachment on patrol. Maj. Kennedy told me to go and arrest that man or those men that beat this man up. There was only one way for a soldier to obey a military order of that kind—to get the man; and the only way to get him was to go after him. So I started in with the tent colony. I took about 18 men. There was another detachment, a patrol, came to the depot a minute or two after I was sent—Maj. Kennedy's men—and they reported to me. I went up there and detailed a sergeant and seven men to go to one end of the tent colony and have every man in the tent colony come down to the other end of the tent colony. Then I had them go one at a time across the road to the other side of the tent colony where this old man could identify them. When I was half way through I was told by these men in there that the man was gone that I wanted; but I kept on until we were all through, but we did not find the man. I reported to Maj. Kennedy that I could not find the man. He asked me what I had done and I told him, and when I went back up to Ludlow I found Capt. van Cise's company assembled under arms. And two or three days afterwards some of these—two men that I was talking to at the tent colony told me that Capt. van Cise and Maj. Kennedy said I had no authority to do anything of that kind; that it was absolutely wrong, and they were going to have me taken care of by the general for that. It was that kind of talk that placed the blame on me, where it should not have been. There was no blame there. It was the proper and only thing to do.

Then this feeling gradually increased, and the fact was reported at the tent colony that we were all Baldwin-Felts thugs and murderers—oh, well, there is no use of going into that; it has been published broadcast—but the fact was that when they found I had not been imported from Texas or West Virginia, or wherever it was, or had not made my living by a gun, and came from this State of Colorado and had lived here 21 years, then these men that I had with me were Baldwin-Felts thugs.

Well, we had more or less trouble—in January I went away on a personal matter, and I had leave of absence, I think, for 10 days; and in my absence Lieut. Lawrence was placed in command of the company—

Chairman WALSH. By the way, where is Lieut. Lawrence now, do you know?

Lieut. LINDERFELT. I think he is in the south, somewhere; in the south field somewhere.

Chairman WALSH. In this State?

Lieut. LINDERFELT. I am not certain of that.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. But he had more or less trouble with the Mexicans, and finally they decided they would relieve them from duty and would enlist other men. At that time there were many of the men in the National Guard—well, not many—but enlistments expired, and these men would go home to Denver or wherever they lived and write me; I had many letters from them asking if they could serve with me if they would reenlist. I said, come down here and I will enlist you. Quite a number came to me that way. I think our second enlistment in the National Guard is for one year; Sergt. Hooker, Sergt. Taylor, Sergt. Cullom, and several enlistments expired at that time and I immediately enlisted them in the second. Men were transferred from other commands to me, assigned to duty with me or transferred; and these Mexicans had been relieved and we filled up the company as much as possible that way, but never over 30 or 35 men, although we had 50 equipments—50 horses. Lieut. Bigelow, I think, when his company was relieved, reported with six men

from his company; reported for duty with B Second; and when L went home, the first organizations were relieved, and as the organizations were relieved from time to time men were assigned to my command, men that wished to stay. There was no work here in Denver at that time. They had received only one payment from the State and they had three or four months coming, some of them, and probably some of them two. They couldn't get their money and the only thing to do was to remain in the service, and they asked to be assigned to my command, or were assigned to my command by orders; but most of them asked to be assigned to my command.

Those men—the personnel of the command from the 1st of November until the troops were withdrawn from the southern field was changed entirely—practically every man in it. Now, soldiers or men that I knew, I had written away for—to join me—men that I knew would make good sergeants and possibly good officers and lieutenants. One man who had served with me in Mexico had joined me and I made him sergeant in my troop, and that is what the troop is composed of. Now, then, if orders—the first principle, the fundamental principle of a military organization is blind, absolute, implicit obedience to orders without question. I hope I have been taught that as a soldier. I hope I have been taught that and I try to do it.

Chairman WALSH. What was your military title at that time?

Lieut. LINDERFELT. Where?

Chairman WALSH. I am speaking of now.

Lieut. LINDERFELT. Oh, I was in command.

Chairman WALSH. Yes.

Lieut. LINDERFELT. My rank is first lieutenant, battalion adjutant, Second Infantry. I am battalion adjutant to Maj. Reeves, commanding First Battalion, Second Infantry. I am not a company officer.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. It looked to us at Berwind, and it does more so now than ever, that any real work that they did not care—Maj. Kennedy or Capt. van Cise did not care to do was forced on me. Anyway, I was pushed—I and my command were pushed into the limelight. I don't remember the exact date of that barbed wire business, but it is all contained in the adjutant general's report to the governor.

Chairman WALSH. Well, briefly sketch it, if you will, as something has been said about it.

Lieut. LINDERFELT. I had gone to Aguilar with the detachment, and we split the detachment, and sent one detachment to Barnes and the other detachment was going to Aguilar. Maj. Hamrock was at Aguilar, and Maj. Kennedy at Ludlow in command. The detachment split as we passed the tent colony. Before it split I found a barbed wire entanglement stretched across the road and from the position of the wire and the way it had been placed I thought it had been placed there just a few minutes previous to our arrival there, probably from the time they saw us up at the top of the hill, or leaving Ludlow station. I took the barb wire up. I dismounted myself and I think Sergt. McDonald, and I picked the barbed wire up and threw it back across over the road. I went on to Aguilar, and the other detachment went to Barnes.

Coming back—I think Sergt. Taylor was in command of the detachment; and coming back Corpl. Cuthbertson was riding as advance guard, or you might say, an advance individual, or advance point to a small party of that kind. It being dark he struck the same wire, or not the same wire, but a double strand of wire stretched across the road from post to post. Whether it was fastened or loosely tied or not, I don't know, but the wire was there. Cuthbertson's horse stumbled, he fell, and his horse stepped on him here [indicating in the lower part of the chest], and I thought he was very badly hurt at that time. I had come back from Aguilar, not around by the tent colony, but across through the foothills and then down into Ludlow. When I got to the depot Sergt. Taylor immediately reported what had occurred. While I was standing there one of Capt. van Cise's men said: "I can show you the man who put that wire there—who done that." I said: "You bring him here," and he brought a young man over there. I says: "Did you stretch that wire?" Now, I am not saying verbatim what I said, because I don't remember. Possibly I used—I swore. When one of your men is badly hurt and your horse is cut—I probably did not use my best judgment in regard to language. If there were any ladies there, I did not know it—at the time I swore I don't know about it. I did not intentionally swear in front of them. I asked this man why he stretched that wire there. He said he didn't do that.

I said: "Where are you from?" He said: "The tent colony. Louie know me." I said: "I will bring Louie." So they brought Louie Tikas up, and I said: "Do you know this man?" He said: "No; I never saw him before." "Well," I said, "he says he knows you." "Now," I said, "Louie, what do you know about this wire business?" And Louie said: "I don't know anything about it; don't know anything about it at all." I said: "Oh, yes, you do. Some one knows about that wire business, because that is twice within an hour that it has been placed there. Now, somebody knows about it. And if you are going to stretch barb-wire entanglements across the road and have our horses killed, I am going to get every bit of wire around your fence—around that tent colony—and take it away from there." Louie said he didn't know.

And finally the boy thought, I suppose, that he was going to be in bad repute for lying, so he said: "Why, you know me; I am so-and-so, and live in tent so-and-so." I don't recall the number of the tent and so on. And finally Louie said: "Yes, I am acquainted with him." I said: "Now, you lied to me, and now you are lying about that wire." And I turned to the sergeant there and I said: "Place both of the men"—I placed both of them under arrest immediately—one at a time; not at the same time, but immediately; and I said: "Take these men over to Capt. van Cise's company." And I had some argument with Lieut. Dahl at that time. At that time he was Maj. Kennedy's adjutant. I don't know whether he was right then or later. He was acting at that time, if he was not. Now, we had some argument about the way I was being treated. I felt, and do yet, that Maj. Kennedy, Lieut. Dahl, and Capt. van Cise were with the—I don't say in sympathy with them, but they worked with them, done everything they possibly could for them, to throw all this blame onto me so they would be clear; and I don't know whether it is from intense ignorance of military affairs on their part, or something worse, but anyway I was to blame for all this fuss.

We had some argument, and I said: "Turn these men over to the depot guard and I will put charges against them in the morning." Mr. Farber, station agent, says: "What did you hit that man for?" I said: "What man?" He said: "That boy" that I had struck; that he was cut on the head, and he was going to take him into the depot. Now, he was a military prisoner and we have surgeons of our own. It is 200 yards from the depot to Capt. van Cise's camp or Maj. Kennedy's camp, and is a very usual matter to have surgeons of our own; and we don't call anyone else only in extreme cases where we have no surgeons, or no medical officers with us, to dress wounds and bother with anything of that kind. I looked at the man, and the man was not, to my notion, hurt, but he may have been struck. Farber said I struck him. Well, I did not strike him. I asked the boy; I said: "Do you say I struck you?" He said: "No, you didn't strike me." I didn't strike the boy. I don't know who did and didn't see anyone hit him.

Chairman WALSH. Was there any other military officer there at the time?

Lieut. LINDERFELT. At what time?

Chairman WALSH. At the time of this controversy?

Lieut. LINDERFELT. That he was cut.

Chairman WALSH. Did you hear from any person what drew the blood on his face?

Lieut. LINDERFELT. That he was cut.

Chairman WALSH. Do you know who hit him?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Did you inquire there at the time who struck him?

Lieut. LINDERFELT. Yes; I did inquire at the time who struck him, and I couldn't, in the time I had—that boy was not a military—I didn't have him a prisoner, as I recall it now. He had gone around the depot and he had talked with Farber in the meantime. Then he came back and told Louis Tikas where he lived and what his name was and all about it; and it was either at that time—but at the time I was talking to him or that I was there, I saw no one strike him, nor did I strike him.

Chairman WALSH. How long was he out of your sight from the time you saw him no more until the time you saw him hurt?

Lieut. LINDERFELT. Oh, five or six minutes, I should say.

Chairman WALSH. How old was the boy?

Lieut. LINDERFELT. The boy was 18 or 19.

Chairman WALSH. What was your theory or your opinion as to who struck him?

Lieut. LINDERFELT. Well, my real theory of the matter is that one of my men hit him on account of this barbed wire matter, because they thought by him being pointed out by Capt. van Cise's man that he was the man that put this barbed wire up.

Chairman WALSH. Did you hear by hearsay or ascertain by hearsay or otherwise who the man was that did hit him?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Or what he hit him with?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Well, proceed, then.

Lieut. LINDERFELT. Well, I turned these two prisoners over to the depot guard. In the meantime Lieut. Dahl had either gone or sent for Maj. Kennedy.

Chairman WALSH. Well, I understand, then, you did not turn him over as a prisoner until after his head was bleeding—after he had been struck?

Lieut. LINDERFELT. No; I placed him under arrest when I was talking with Louie Tikas.

Chairman WALSH. You placed him under arrest then, did you?

Lieut. LINDERFELT. Yes, sir; either at that time or immediately after, and I turned him over to the depot guard, and they took him over to the camp, and between the camp and the depot Maj. Kennedy released him. He phoned Gen. Chase that I had arrested Louie the Greek and he had let him go and I had no right to do it. Well, Gen. Chase phoned him to rearrest that man immediately until he had time to find out what charges I had against him, which he did. Now, that barbed wire—that was the second time—

Chairman WALSH. One moment. Before we leave that, Commissioner Weinstock wants to know, had he been struck when you first talked to him?

Lieut. LINDERFELT. No, sir; I don't think so. Now, I couldn't say whether he was or not, not knowing how he got the cut, but he showed a mark here [indicating on the head]—a slight mark. Now, that wire business there was—two or three or four times after that we would find loose wire strung across the road. It is a county road, by the way, this road; it is the road used from the depot—and of course there was a whole lot of feeling. Then there was a lot of feeling between individuals—the striking miners got to know us as individuals and we got to know them as individuals, and some I talked to; and some they would tell me, well, they were going to get me, and they were going to do this and going to do that “to that Berwind bunch.” And I have heard them down there in the tent colony when we were searching the tent colony for arms or men, I heard them tell or curse the troops and C troopers because they wore yellow hat cords like we did, and of course the feeling gradually got bad; it is bound to between two armed bodies, even if one has their arms hid out.

But then in this searching of the tent colony—now, for instance, this: One day there Mrs. —, a woman; I didn't know her name then, but I know now—it was Mrs. Thomas—told me—I was standing there holding my horse while the search was going on—told me a very long, lengthy, weird, wild tale about what I had done to her just a few minutes before that, or tried to do, or attempted to do to her. Of course she didn't know that I was Linderfelt. And so I asked her finally—I said, “Do you know him?” “Oh, yes.” “Do you know him well,” I said. She said, “Oh, yes,” and she went into details and told quite a number of incidents that had taken place. I said, “Do you know who I am?” And she said, “I think you are from Trinidad, aint you?” I said, “No: I am not from Trinidad, but my name is Linderfelt, and I am in command of the Berwind bunch.” Well, she didn't believe it, and she asked Capt. van Cise about it, what I had told her, or Lieut. Fisher, or some other officer standing there, who I was. Since then I have not heard Mrs. Thomas tell any more of these stories, or I haven't heard about them. But the women in the colony would take these little children and line them out when we were searching, “Now, tell them what they are, after me,” and I have heard an American mule skinner in the Philippine Islands drive eight head of mules, but I never heard anything equal to it. Now, the men would not do that. They knew better than that. We would not allow a man to do it; but a woman or a little baby that can just fairly lisp, you can't do anything with them; but just imagine what they are coming to when they grow up.

This feeling, of course, gradually got stronger and stronger and stronger. Of course, now, I want to say that when I first went down to the zone there, and they had been sending these reports, Gen. Chase for one, at Ludlow, and knowing these deputies, I was in sympathy with the strikers. I am a miner myself,

although I am a quartz miner, and I thought the abuse of the mine guards, that they were deliberately shooting up these camps, and that John D. Rockefeller was paying so much a shot for it, or so much a man killed, or something else, was the kind of idea that I had of what was coming off there. But when I saw the treachery, the absolute lies that they published, the twisting of the truth which they have done—they have the best press bureau on earth. Any man could be elected President of the United States if he had the press bureau that they have, if he was absolutely unknown.

That Forbes fight—I mean that Ludlow fight, now, I have since found out from men in these fights, men I have talked to and know they told me the truth. I have heard it from both sides. I have talked with the strikers in this tent colony, Americans, that have told me the truth; and I have talked with ranchmen that have had to cow at night and swear by all that was holy that they were dead against us, but they told me at night, and when I got them off somewhere—I have actually had to arrest men and take them up to Berwind Canyon to have them tell me something. They were afraid it would be repeated to that tent colony—for fear of their lives.

These men told me that this fight was published in the papers, that fight at Ludlow on the Saturday before the National Guard came in there, that we attacked that tent colony. Why, it is the dirtiest falsehood that ever happened. We were attacked. We were sent down there by Lawson—not by Lawson, but by Sheriff Gresham, by the request of Lawson, the request of Diamond and the United Mine Workers' official there, to see who started these fights and arrest them. I know who started the fight now. I know who started that fight at Berwind Canyon when that man Wilkins was killed on the hill, and I know who started the fight when I was on the hill with 17 soldiers of the National Guard of Colorado.

Chairman WALSH. Who started the fight?

Lieut. LINDERFELT. Those strikers in the tent colony, reinforced from Walsenburg, Aguilar, Trinidad, and all over the district. At the same time we were fighting for our lives at Berwind they were fighting some at Hastings. There must have been, at all times, from the volume of fire, from 1,500 to 1,600 men engaged on their side.

Now, of course, my feelings in this matter, as I saw things, as I looked at these people, I didn't see and don't see United Mine Workers, I don't see a striker or a miner, but I see a man who is taking up his gun to defy the authorities of the county, of the State. I don't see him as a striker. He is not a striker. You can not consider him a striker. He is in rebellion and sedition against the statute laws of this State and of the United States, the Constitution of which every soldier in the National Guard is sworn to protect and obey.

Of course, I had a feeling against these men; but if we could have settled it down there, and they would have turned over their arms like men, it would have been all right. There is no peace in this State of Colorado if there are armed men, no matter whether they are strikers or mine guards or who they are. The people in this State should have enough respect for the law to let the law judge these things, and when the strong arm of the law is thrown in—the National Guard of Colorado—you can not go at it with kid gloves; you have to get results and stop those things.

Chairman WALSH. Commissioner O'Connell asked me to inquire of you why you did not report to Sheriff Gresham instead of Gen. Chase at the beginning?

Lieut. LINDERFELT. I did both, but first to Gen. Chase; my duty was to the State first.

Chairman WALSH. You may proceed.

Lieut. LINDERFELT. Well, I am trying to explain this feeling that existed at that time, accurately.

Gradually, it got worse; from time to time it got worse; and these people were in those tents in the dead of winter, in that big storm, and were getting only \$3 a week to live on, and were suffering untold hardship. The women and children were up against it, you might say, and it wore on them and wore on us, and this constant, constant grinding and picking on a man will finally get him where he should not be; and he is not as calm as he should be; and it wore on both of us.

Then these people were brought in there, and every time there were some men brought in there—strike breakers—it was the Berwind detachment that had to go down and quiet those people.

Chairman WALSH. Why were you picked out?

Lieut. LINDERFELT. Because I was mounted, and they put all of it on me. The papers here in Denver at that time were all working on this same thing.

Chairman WALSH. Who was responsible for the orders; what individuals?

Lieut. LINDERFELT. The orders were all right; I don't question the orders.

Chairman WALSH. I mean for sending your detachment; the Berwind people, who were always sent down, as you say?

Lieut. LINDERFELT. Maj. Kennedy was my superior then and sent me orders. I don't know where he got his orders. If he was not there, Capt. van Cise was. I am a first lieutenant and Capt. van Cise ranks me.

Chairman WALSH. So you were usually sent by Maj. Kennedy or Capt. van Cise?

Lieut. LINDERFELT. Yes, sir; on direct orders from them.

Chairman WALSH. Was it your detachment that did the principal part of the enforcement of the antipicketing law of the State?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Were you the ones that had to go out and order the strikers to desist from picketing?

Lieut. LINDERFELT. Water Tank Hill has an old water tank on it and was not used by the railroad company, but there was an old water tank up there, and we called it Water Tank Hill.

Chairman WALSH. Simply because there is an old water tank up there used by individuals that own the land?

Lieut. LINDERFELT. Yes, sir; that hill has command of the military situation around Ludlow.

Chairman WALSH. What experience did you have with the pickets of the strikers when you attempted to enforce the law?

Lieut. LINDERFELT. The pickets would get on this hill. At first they used to have drinking parties up there; 8 or 10 or 15 of them would get a small keg of beer and go up there and drink it, and when one would pass up and down Berwind Canyon or around the railroad track they would stop them—scabs and lots of others—and the companies and the people complained, and whenever a man came out they would ask him where he was going, and he would answer, "Going to work." And they would tell him, "You keep drifting."

I had instructions—I think I reported at first what they were doing, and I was instructed by Maj. Kennedy to arrest anyone I found on that hill, and I did. Every man in our detachment was instructed, when they found anyone on the hill, to arrest him. I told Maj. Kennedy to explain to those people over there that they must stay off of that hill, and I told the men when I first arrested them that they must stay off of that hill; that they were picketing; that they had no business there, and I had orders to arrest them. Sometimes I took them to Ludlow and turned them over to Capt. van Cise, and he would hold them a day or two, and I think he worked them unloading coal or making walks around his camp, or I would take them to my camp.

Chairman WALSH. How many did you have under arrest in that way?

Lieut. LINDERFELT. Sometimes 10 or 12 Greeks, sometimes 10 or 12 Italians, and sometimes that many Mexicans and sometimes that many Americans, but seldom were they mixed.

Chairman WALSH. Did you treat them as prisoners of war?

Lieut. LINDERFELT. I took them up to my camp and had three or four of them helping the cook, and I gave them the best I had—T-bone steaks, generally, and the best cuts we had, and almost every time when I released men four or five or six would come to me and ask me if we would not hold them prisoners; that they liked eat the grub, but they wanted to be still connected with the tent colony.

Chairman WALSH. Did any of them complain about being arrested in that way?

Lieut. LINDERFELT. Oh, yes; lots of them, but that was their scheme.

Chairman WALSH. Were any complaints made about being arrested that way?

Lieut. LINDERFELT. Not to my men.

Chairman WALSH. About how many men were arrested in that way during the occupancy by the military?

Lieut. LINDERFELT. Oh, some I would give supper and let them go that night.

Chairman WALSH. You arrested them upon orders, always?

Lieut. LINDERFELT. That was a standing order.

Chairman WALSH. To arrest them for picketing?

Lieut. LINDERFELT. Yes, sir; picketing, under my orders, constituted being on Water Tank Hill.

Chairman WALSH. Whether there—whether they said anything or not, did you consider that as picketing; whether the men on Water Tank Hill said anything or not?

Lieut. LINDERFELT. Oh, they said it, I know, for I have seen men released from duty upon that hill, and found out that, and it was reported to me that

they were picketing, and when I would get there with a detachment they were gone. But the work part of it—they didn't object to work; they didn't care about it. We treated them like men, and I would talk to them. I flatter myself that I made quite a number of friends, for many times after that when they would let me know things they were going to do, or if things were coming up they would let me know anything they thought would help me. Some of these men, I believe—I knew dozens of them went up on that hill there—Italians, especially, and when I would get them they would say to me, "I would like to get out of the tent colony; I am afraid." And they would give me often the names of their brother or cousin or wife, and asked if I could not get them out, and I would say, "The best thing for you to do is to go to Trinidad and then come up here on the train." And I would ask them if they had any baggage, and if they said yes I would ask them if I should get it out, and if they said yes I would get a little out at a time. If they had trunk, it was a difficult matter; and I would report to Maj. Kennedy or Capt. van Cise that those certain men would like to get out, and give them the name or a letter, if I received one; but usually if I knew their name, like Louie the Greek, they didn't want to go.

Chairman WALSH. At this point we will take an adjournment until 2 o'clock. Kindly resume the stand, Lieutenant, at 2 o'clock.

AFTERNOON SESSION—2 P. M.

TESTIMONY OF LIEUT. KARL E. LINDERFELT—Continued.

Chairman WALSH. Lieut. Linderfelt.

I believe when we interrupted you at the recess that you were just detailing the manner in which you attempted to get persons out of the tent colony who desired to leave. You recall that, do you?

Lieut. LINDERFELT. Yes.

Chairman WALSH. You had just stated that if they had a trunk it was a difficult matter; and that you would report to Maj. Kennedy or Capt. van Cise that those certain men would like to get out, and give them the name or a letter, if you received one, or if usually you knew their name, like Louie the Greek, they didn't want to go. Had you finished on that?

Lieut. LINDERFELT. I would give this man's name or his friend's name that wanted to go out to Capt. van Cise or Maj. Kennedy, and they would let Louie the Greek or somebody, whoever was in charge, know. I think that mostly was at the first—would tell them that these men wanted to go and to let them go. These men would be brought in front of the officer, and they would say they didn't want to go. But then, of course, my supposition is that they were afraid to declare themselves.

Chairman WALSH. Your point was that it was your interpretation, your idea was the way it should have been done was to take them out without making any investigation—without giving notice to anybody else?

Lieut. LINDERFELT. Yes, sir; certainly.

Chairman WALSH. When Capt. van Cise was mentioned, or any one of these other men, such as Tikas or somebody else, the objection would be made and influence would be brought to bear upon the man so they would not go?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Have you anything else in that line?

Lieut. LINDERFELT. Why, several times I have sent detachments down there, a patrol under a noncommissioned officer, to wait at a certain place, a specified place that we had agreed on, and these men would come out with suit cases, and we would escort them up the canyon, if they wanted to go, to Tabasco or Berwind inside our guard lines, anyway.

Chairman WALSH. Now, please state the principle or theory upon which you acted in dealing with the strikers as to what might be called respecting their civil rights in case there was no trouble. Do you get what I mean?

Lieut. LINDERFELT. That is, in allowing them to come and go?

Chairman WALSH. Or insisting that they should stay, or insisting that they should go, or anything like that; the different ways, in other words, in which you would handle these men from what you would ordinarily handle citizens; suppose you had been a civil officer and no trouble going on or no martial law declared.

Lieut. LINDERFELT. If you were a civil officer, you would not have authority as a martial officer.

Chairman WALSH. I am trying to strike the difference, the way you claim you had to treat them as compared with how you would have, or how they would have been treated, had martial law not been declared, or had you been exercising the function of a civil officer in times of peace.

Lieut. LINDERFELT. Martial law is the will of the commander.

Chairman WALSH. Now, while martial law was declared, you were, from your standard, in your rights by ordering the men to come and to go, take them under custody without formal writ or charge, and such things as that?

Lieut. LINDERFELT. Yes; I had a perfect right to do that.

Chairman WALSH. Did you deport any strikers or order any of them out of the neighborhood?

Lieut. LINDERFELT. You mean run them out?

Chairman WALSH. Run them out; yes.

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Did you threaten any of them with deportation?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Tell them they ought to be deported, or run out, or anything of that sort?

Lieut. LINDERFELT. I made this statement, which has been misconstrued many times: That it was my theory on handling an armed insurrection as it existed down there——

Chairman WALSH. You can state your theory just in your own way and the reasons you had for it.

Lieut. LINDERFELT. Well, in a case as it existed down there, of armed rebellion against properly constituted authorities—insurrection, a condition of anarchy—I had this theory, and have advanced it to numerous people, but I could not mention who I did: That any man that was guilty of taking up armed force against the properly constituted authority of the State or county and the authorities for the enforcement of laws should be, if he is an American citizen, tried for treason or sedition and sent to the penitentiary. If he is an alien that has not taken out his papers that the old alien law—alien and sedition law of 1805 and 1804, when we had the trouble with the French—I do not know the technical term for the names, but I think those laws are the alien and sedition laws—should be revived, and every undesirable alien should be deported back to the place from which he came. I did not say because a man was a union man or because a man belonged to the United Mine Workers. I did not say that, nor do I mean that; but I mean any man that is engaged in anarchy, insurrection, or rebellion should be punished for it according to our Constitution of the State and Government.

Chairman WALSH. And where, under your theory, was that to be determined—the guilt or innocence of an individual so suspected?

Lieut. LINDERFELT. I could not determine that.

Chairman WALSH. I say where was your idea, under your theory, where it should be determined—by the military officers or in the courts of the country?

Lieut. LINDERFELT. If that should be determined it should be determined in the civil courts.

Chairman WALSH. Please state your experience with the strikers immediately preceding the Battle of Ludlow, if there was anything significant about your conduct or your relations with them.

Lieut. LINDERFELT. Well, it was practically the same as it had been.

Chairman WALSH. Down to that time?

Lieut. LINDERFELT. Only this general feeling between all National Guard officers and men and——

Chairman WALSH. The feeling had become bitter upon both sides?

Lieut. LINDERFELT. On both sides. The striking miners had been told by their leaders and properly understood—because I have talked to many of them about it—that we were not—especially the detachment that was left there of 34 men when the balance of the command withdrew—that we were not regular militia; we were mine guards; that the martial law was off, and we had no business there; that we were simply mine guards dressed in uniform.

Chairman WALSH. You told that to whom?

Lieut. LINDERFELT. I told that to no one; no, sir. They have been told that.

Chairman WALSH. They had been told that by their leaders?

Lieut. LINDERFELT. By their leaders; yes; their leaders and others.

Chairman WALSH. As a matter of fact there were 35 of you still regular members of the National Guard left there?

Lieut. LINDERFELT. About 35 or 36, somewhere in there; yes, sir.

Chairman WALSH. Were you located in the same camp?

Lieut. LINDERFELT. No; my command was left at Berwind. As I stated, the personnel of the command had changed; many men had been sent home for business reasons, physical reason, and unfitness for service; and the command was made up of men that had been assigned to duty, transferred, and reenlisted in the company.

Chairman WALSH. Had you returned to Denver at all?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Were you still there on duty?

Lieut. LINDERFELT. I was still there on duty; yes, sir.

Chairman WALSH. I do not know where I received the information, but it seems in the evidence some place some person stated you had retired, and when the battle broke out were visiting Mr. Neal with your family, something like that?

Lieut. LINDERFELT. Well—

Chairman WALSH. Is there anything in that?

Lieut. LINDERFELT. I was on duty, but I was stopping at the Columbian Hotel. On Sunday morning preceding the battle I was at Hastings, looking up storehouses at Hastings for State property. And while in Hastings there was that A Troop had been organized, and I was at Hastings principally to look up that armory or the storehouse. That evening I was going to—I was going in—I had certain duties of that character, like Hastings to perform at that time; was acting under orders, indirectly from Gen. Chase, but directly under Maj. Hamrock. I was to go up to Tercio and Segundo and different places on that same mission.

Along in the evening of Sunday, Sunday evening, I think that was the 19th, I think the 20th was Monday—there was a Greek Easter, I believe it was that day; anyway they had quite a celebration in the tent colony. But I thought nothing of it, none of us thought anything of it, only they have dances and general enjoyable times down there in the tent colony before that. But Sunday evening I got a report from Maj. Hamrock that there was a big consignment—they had just got a big consignment—arms had been shipped into Aguilar that night, and that we probably would go up there and confiscate them in the morning. Now, I didn't go in that evening. Lieut. Lawrence was in command at Berwind at that time. Then Monday morning—the train leaves Ludlow at 6 or 6.32, along in there very early in the morning, and I was going in there on that train. Well, in the meantime, in the evening, Maj. Hamrock said we would not go to Aguilar; this detachment at Cedar Hill was not all at Cedar Hill; there were 8 men out of these 34, 5 or 6, whatever it was—I don't recall just at this time—there was 8 men, and Maj. Hamrock and Lieut. Benedict, at Ludlow. The balance were at Berwind, at Cedar Hill, rather, which is the foot of Berwind Canyon.

At about 8 o'clock in the morning, I think it was, the phone rang, and I answered the phone. That evening I had got a letter from a woman up in Berwind, whose name I don't remember, saying her husband was down there in the tent colony and that they would not let him out. I sent Corp. Patten down the first thing in the morning before I received this message to Maj. Hamrock with this letter. He called up Louie Tikas and told him to come over to the camp, he wanted to talk to him. Louie said he would not come. It was a rather strange thing, the way that he always had come, when he had been called by Maj. Hamrock. He finally agreed to meet Maj. Hamrock at the depot. Well, they agreed to meet there. Well, he had said he would not come the first time. When he phoned Maj. Hamrock, Maj. Hamrock phoned to me; I answered the phone, and he said, "You better bring your detachment down onto the hill." This hill I speak of is the military key to the situation. So I had the men to saddle up, leaving a guard there, a cook, and several more. A few minutes afterwards the phone rang again and some one else answered it and called to me as I was going to start, "Major says to bring the machine gun"; so I had the machine gun put in the wagon we had, and the mules hitched up, and relieved guard, called the cook on to duty, and we started down the hill.

I said to Lieut. Lawrence, "Take the men on the gallop and occupy the hill," which we always done. This was not that morning alone, but it was done every day that we moved out onto that hill with the Ludlow detachment that acted as advance guard to that hill as a point. The reason that we did that was that that hill controlled the road, the minute we got out from under the railroad tracks on the road to Ludlow. If that hill had been occupied at any time by an enemy they could have wiped us out as soon as we got out into

the open, consequently we always sent an advance guard to occupy the hill. The trouble was, when I first started there, with new men not moving quickly or rapidly. Consequently their orders were to gallop until they reached the hill, which they did. I followed with the machine gun and the balance of the command.

Chairman WALSH. What time was that?

Lieut. LINDERFELT. That was about, I should judge—it didn't take us over 20 minutes after I got the order to leave.

Chairman WALSH. That was what time?

Lieut. LINDERFELT. I think it was about 9 o'clock, or about 8 o'clock.

Chairman WALSH. Just one other question. When you occupied that hill, did you always have a machine gun on the hill?

Lieut. LINDERFELT. Not every day; no, sir. I have taken it down; oh, probably in six months, 30 times. Sometimes we would set it up and sometimes it was left in the wagon.

Chairman WALSH. The time you are speaking of now is the day of the battle?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. Sometimes we left the machine gun in the wagon, and sometimes left the wagon upon the hill with the guard. Sometimes we took the machine gun with us, according to what it was for. Maj. Kennedy repeatedly—not repeatedly, but once or twice, possibly three times—had ordered me to take the machine gun and set it up right up on the corner of the road and the railroad, which I did. And this morning when I got on the hill, the minute I looked over the hill before—sitting on my horse, moving at a walk, I wondered what had become of Lieut. Lawrence and his command. And there was only one or two there, and they seemed to be very much excited. I immediately looked to see what made them excited.

Now, where these Ludlow striking miners used to play ball is across the road and behind some houses from the depot, a little to the north and east of the depot. They said they were playing ball. Possibly they were; I don't know; but if they were playing ball at that time, at this ball ground at that time, every man that was playing ball had a rifle with him. That is something I had never seen before. When we appeared on the hill there was this bunch of men at the ball park; they started toward the C. & S. E. cut, which is directly east of the depot. It is a cut through a little sand ridge there. There was these men—my men on the hill reported to me all these men had arms. I took my glasses and could see very plainly that they had rifles. We went from the road, and in a position on the hill. The minute I saw that I gave the orders to have the machine gun to come back; they had moved up pretty well; the wagon moved pretty well up toward the railroad track. I had them moved back, going through the fence and into an arroyo or little gulley there leading down from the hill to the south, and took the machine gun out and set it up behind the railroad track, which we did. I had the men dismount, leave their horses in this cut. About that time I noticed Lieut. Lawrence coming back from the depot on a gallop; that the most of his men were with him, except one or two that was on the ridge. These strikers were running from the ball park to the sand cut of the C. & S. E. Railroad. They were leaving the tent colony.

Chairman WALSH. Which was—which way was the sand cut from the ball field?

Lieut. LINDERFELT. Directly east. They were leaving the tent colony in large numbers—leaving the houses——

Chairman WALSH. How close did the sand cut come to the foot of the Water Tank Hill?

Lieut. LINDERFELT. The range was exactly 675 yards. The men were leaving in large numbers. I saw them going from the tent colony, from the ball park, from buildings, barns, and outhouses back of the depot—all armed. The women and children were leaving in large numbers to the arroyo, and on a crossroad that comes down there, to some ranch houses north and east of the tent colony. There was men with them, and there were large numbers of women and children. My men that were on the skirmish line along the track begged me to allow them to fire.

Chairman WALSH. What was this date?

Lieut. LINDERFELT. April 20. They begged me to allow them to fire. I told them no; that they could not fire until they were fired on, which were the in-

structions that I had received sometime before, probably when I first went into the field, when the command went down there; I think it was along the second or third day that we were not to fire unless we were fired on—to defend ourselves.

Now, Lieut. Lawrence passed behind me at a gallop, with his men. I said to Lieut. Lawrence to get out there on the left, on that right flank, as quickly as he could; and he did, dismounted, and I think took four men and left one man holding the horses. He headed up over there. A few minutes after he had got over there and these people had got into the sand cut before the firing, or before they fired; they were in a position in this cut lying along there. Afterwards I found they were new rifle pits.

Chairman WALSH. What?

Lieut. LINDERFELT. New rifle pits. The pits concealed them. Lieut. Lawrence had gone over on the right. I sent Lieut. Bigelow over with two or three men to take up a position between Lawrence and Water Tank Hill, but didn't specify the position, just simply pointed. I said, "See if you can get into that end of the sand cut before they do." About that time, after he had started, he had not gone over 50 or 60 yards, I saw them raise up from the sand cut and fire on Lieut. Lawrence, or I suppose where he was. The men said, "They are firing on Lawrence." I said, "Now, just wait a moment, we will be certain about this." They fired probably 10 or 15 shots, none of them coming in our direction. The only reason that I know they were firing first was, I think, I saw the first man that fired. He raised up from the sand pit—I could see from his waist up, I saw the kick of the gun and heard the report.

Chairman WALSH. Where was that sand pit with reference to where these men were intrenched—where was the sand pit where the men were intrenched with reference to the tent colony?

Lieut. LINDERFELT. That tent colony—that sand cut is south and east of the tent colony, about 725 yards by actual scale measurement, from the depot to the end of the cut.

Chairman WALSH. That would put the tents where now, with reference to the line of the fire?

Lieut. LINDERFELT. That would put the tents about 45 degrees north—directly north—and they were from the sand—let me see—the tent colony was in that direction [indicating] directly north, and they were from the sand—here was the Water Tank Hill [indicating] and there [indicating] is the tent colony, and here is the sand cut [indicating], and over there in that direction, about an angle of 45 degrees from north to the east.

Chairman WALSH. Point on your arm where the southwest part of the tent colony was, where, I understand, the fire took place—the first fire.

Lieut. LINDERFELT. Right over here [indicating]; right alongside the railroad track.

Chairman WALSH. I know, but was it to the east or to the west of the tent colony?

Lieut. LINDERFELT. It was the southwest corner.

Chairman WALSH. The southwest corner. The tent colony, wouldn't that be toward your shoulder rather than toward your hand?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. Hold your arm that way so I can get the proper idea. That is the cut over there [indicating].

Lieut. LINDERFELT. Here is the sand cut [indicating] and here is Water Tank Hill [indicating].

Chairman WALSH. Yes.

Lieut. LINDERFELT. And here is the tent colony lying off square in this direction. The fire started on the southwest corner. I was looking through my glasses when I saw this shooting from the sand pit. About that time, just as I was about to give the order to fire, oh, I guess, 30 or 40 shots whistled around and ricocheted over us right where we were, and I gave the order to commence firing, which the men did. The machine gun opened up on them, on the cut, and the rifles all opened up on this cut. Then we were firing about 10 minutes when the first bomb went off.

Now, those bombs were made by myself a short time previous. The balance of the troops were withdrawn from the field, and when I knew they were leaving—we were to have a small detachment at Ludlow—I took eight sticks of 40 per cent giant powder, tied them up with heavy binding twine, with a primer in the center stick, and about 2½ feet of fuse. I timed the fuse until I found just what kind of a fuse it was. I think I allowed a minute to the fuse. That

was taken down and put in a tent—three of them—with instructions that when any firing started, or fighting, or trouble, or anything else started, they were to fire these three bombs immediately. They were to take them over on the other side of the track and explode them so that they would not hurt the cook-house, and so on. There was nothing around the bombs except this binding twine, so the explosion would not throw anything except this little dirt it stirred up. They were fired, but I do not know by whom. I think Lieut. Benedict fired them about 10 minutes after the first shot was fired. These three shots went off about intervals of 45 seconds to a minute.

Chairman WALSH. One minute. Commissioner Weinstock is under the impression, and I am not quite sure, that Gen. Chase testified you were not at the battle of Ludlow. My recollection is that he has testified that you were not in charge of the militia at the battle of Ludlow. How was that?

Lieut. LINDERFELT. Maj. Hamrock was in charge; the ranking officer.

Chairman WALSH. You were present, as you have stated here?

Lieut. LINDERFELT. I was next in rank. Lieut. Lawrence had been detailed in command of my troop. But when the fight started I assumed command of the troop.

Chairman WALSH. And before you assumed command Lieut. Lawrence was in command?

Lieut. LINDERFELT. Yes, sir; I assumed command when I gave the first order that morning.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. These bombs were fired, and there has been some report that they were a signal to commence the attack. They were nothing of the kind. They were an alarm by me, that I made for the purpose of warning the Cedar Hill detachment that they needed help at Ludlow with that small detachment of men. It was simply a military precaution that any military commander would take. Some would have a secret buried wire, or a helioscope, or something else that they could flash a signal with. This was a very easy and effective way of warning the detachment at Cedar Hill. I was firing at the time when these bombs went off. I had previous to that determined absolutely they were firing on the town of Ludlow. I had given my commands to commence firing and then had taken a position here, and was firing at the time these bombs went off. We fought from that position for some time. I think about 10 o'clock, or along about there, I saw a movement from the tent colony of men going toward that arroyo. It was a military problem that then presented itself there; that if they moved up that arroyo to Hastings it would be absolutely in concealment to where I was at Water Tank Hill. Lieut. Bigelow had fallen back and reported it was too heavy for them. Lawrence reported that Pvt. Martin had been wounded—shot in the neck. I asked him where he was. He said they could not carry him back, but they had left him in a small hole, where he was safe, and had put a first-aid bandage on him. Along in the afternoon, late in the afternoon, when the final advance was made in that direction, Pvt. Martin was found, with the first-aid bandage torn off, his face beat in with the butts of guns—stamped in. One eye was out of his head; one of the men shoved it back in with his fingers. His body had been riddled with bullets. I think it was the next day I examined the place thoroughly myself, and I found where they had stood over him with a Mannlicher 8-millimeter rifle and fired down through his chest and through his mouth, and pieces of bones and flesh were on the ground where he had lain, with the bullet holes. I dug up the bullets, and I found they were the Mannlicher. I found the clip, with the empty shells lying beside him.

Commissioner WEINSTOCK. What was the name of that man?

Lieut. LINDERFELT. Pvt. Martin. Lieut. Bigelow reported Pvt. Purcell shot in the shoulder.

Chairman WALSH. Was Martin otherwise mutilated—otherwise than you have described?

Lieut. LINDERFELT. Yes; he was otherwise mutilated.

Chairman WALSH. Go ahead.

Lieut. LINDERFELT. Pvt. Purcell was wounded. Lieut. Bigelow and one man had to carry him. He left two men to protect their retirement, one man firing and the other retiring, and then the other firing and allowing the other to retire back to our position. They were extended out as far as we could go with the men we had and the amount of fire to contend with, and I counted 72 men going to that sand cut from the tent colony, the ball ground, and those buildings, and then did not get them all, but would estimate there was from

120 to 140 going. Those were not all the men that Lieut. Lawrence and Lieut. Bigelow had to contend with in that direction. There were other men over there that Lieut. Lawrence found that had been on the D. & R. G. track, which was more than a half a mile, and they could not have gotten there by the time they started from the tent colony until he got over there; but they were in force and position when he got over there. I turned the command over to Lieut. Lawrence on the hill and took 8 or 10 men down the railroad cut, because I could see their movements toward the arroyo and Hastings to cut us off in that direction or attack the Hastings Canyon. I took a few men. I received information that Maj. Hamrock and a few men were in or under the steel cars directly west of the military camp, firing in the direction of the arroyo, back of the colony and the steel bridge. There were large numbers, in force. I think I sent two men over to—just after the first of the fight, along about half an hour—to report to Maj. Hamrock. He kept one and sent the other back, and said he had been able to inform Gen. Chase—that he was trying to or had informed Gen. Chase of all that was occurring. Maj. Hamrock was at the depot previous to this, talking with Louie the Greek, as they agreed to meet at the depot. Lieut. Lawrence was there at that time.

Chairman WALSH. When had they agreed to meet at the depot?

Lieut. LINDERFELT. Probably a little before 9 o'clock, a little before the fight started. And Lieut. Lawrence said, "Look here, Major, what is this coming off?" And the major looked over and saw the men with arms, and he turned to Tikas and said, "What does this mean?" Tikas said, "I don't know"; he was shaking and excited. He said, "I don't know." "Can you stop it?" Louis said, "Yes; I will stop it." "All right," Maj. Hamrock said, "go down and stop it; do the best you can, or some one is going to get hurt." And he started. Lieut. Benedict was looking through the field glass. He was at the military camp west of Ludlow station, and he saw Tikas go into a tent.

Chairman WALSH. Could he get the range or view with the field glass of the house of the pumping station of the railroad?

Lieut. LINDERFELT. Yes; they were artillery glasses and so powerful that you can hardly hold them steady to your eyes without resting.

Chairman WALSH. So, from the camp you could get a view of the pumping apparatus and the little shack or converted freight car in which the man at the pumping house lived?

Lieut. LINDERFELT. Yes, sir; that was exposed. If he could not see it on account of the water tank he could have moved a few yards and seen it.

Chairman WALSH. Where was the arroyo?

Lieut. LINDERFELT. On the north of the tents.

Chairman WALSH. Was it between the camp and the tent colony?

Lieut. LINDERFELT. What is that?

Chairman WALSH. Yes; was the arroyo between the military camp and the house of the pumping station? The house of the pump man?

Lieut. LINDERFELT. No, sir; the railroad tracks was all. There was some grade there.

Chairman WALSH. Go ahead.

Lieut. LINDERFELT. He saw Louis go in and come out of the tent with a pair of field glasses and a rifle. By that time the situation had gotten beyond his control and he could not stop it, and possibly did not want to. That was the time, at that time or about that time there was a strong movement—no, you could not see anyone for quite a while after the fire started. You could see the—a high-power rifle don't give any smoke, but it kicks up the dust in front of the rifle from the concussion, and you can locate rifles if you look very close to the ground—high-power rifles—that way. I could see them firing from the pits and from the tents on the south and east. They had thrown up a lot of dirt a short time previous to that around the end of the tents, and could punch a hole in the canvas and have protection against rifle bullets.

Then I noticed this movement toward Hastings, up toward the arroyo, and saw at that time quite a number of men in and around the pumping station and at the steel bridge. I gathered up 8 or 10 men and started down the railroad track with an advance formation. I took the tracks and the men kept the fire down from the railroad cut by cart-wheel formation, and we got down to the depot. There we had a flank fire down this sand cut. We also extended our front—our left it was then; it was our left, then, but afterwards became our front—along the railroad track, under the protection of the railroad track only from the direct fire across the arroyo and a little from the steel bridge, and the men would be under cover from anything that would come from the east.

We worked down to the edge of the cut. We were short of ammunition. We worked down to the edge of the track, I mean. As I say, we were short of ammunition and we could not advance properly according to a military idea of advance. We didn't know that we were going to get any more ammunition, so I left a detachment there under command of T. C. Linderfelt and R. J. Linderfelt, captain and first lieutenant. I left them there and went back to the depot.

We fired from the depot and from the lumber piles and around in the buildings on this cut to drive them out with a flank fire so that an advance could be made on our right to Lieut. Lawrence, and we finally drove them out of there, but did not take possession because it was 700 yards across, or 725 yards, from there to the depot, and we had driven them back then from the railroad cut toward the barns and the ranch houses directly east or north from there. I think it was about 4 o'clock in the afternoon—no; first I tried to get military headquarters on the phone and found Maj. Hamrock talking on the line, and I cut in and told him exactly what I was doing and what I intended to do; and he said, "Hold your position, reinforcements are coming and will be there about 3 o'clock. How much ammunition have you got?" I said, "I am getting pretty shy of it," and I said, "Will we get any more?" And he said, "Yes; five boxes are coming." That was approximately 6,000 rounds.

So about 4 o'clock I heard a pretty heavy firing off on my right, from the right of our line, and suspected that the reinforcements had arrived. About half past 4 Lieut., or Capt. Carson came with a detachment of A Troop, about 40 or 45, or it might have been more or less, but in that neighborhood, and he reported to me—he was ordered by Maj. Hamrock to report to me, which he did; and I asked him what ammunition he had altogether, and broke open a case he brought down with him and distributed to what men I had there, and told him to go up the track and report to Capt. Linderfelt, and advance and clear that arroyo and steel bridge, now that we had ammunition; and I sent some one up to report to Maj. Hamrock. Well, I told him he would be covered by the machine gun, that is what I told him. And I sent a man up to report to Maj. Hamrock, and informed him what my disposition was of Capt. Carson and his men, and to cover him all he possibly could with machine-gun fire from that hill. Capt. Carson reported to me also that he had a 30-40 machine gun with him, and that was in action at that time. I could hear it very plainly from the depot.

About 5 or 5.30, I was firing from the freight door—it is not the regular door of the depot—to the southeast corner of the tent colony. I could see with my glasses very plainly 8 or 10 rifles from trenches in that vicinity and through the tents and out of the windows of the tents. I think I had a sergeant with me who was firing out of the north—northeast door of the depot, the freight depot—at the same place I was. Finally he said to me, "What is that fire down there?"

Chairman WALSH. What time was that?

Lieut. LINDERFELT. About 5.30. And I said, "It looks to me like a big fire somewhere; it looks like the tent colony is going up." So I went out across the depot and looked down the track, and they were firing up the track from the steel bridge at that time, the pumping plant and from these pits around the depot; all around the tent colony were firing as soon as I ran across there, and I saw, I think it was, the third tent in the second row from the southwest corner burning. There was but very little wind at that time; it was going right straight up, not in a heavy, black smoke, but seemed like it was the canvas burning.

Chairman WALSH. Where was that tent with reference to the tent where the bodies of the children were found?

Lieut. LINDERFELT. I do not know just exactly; you could not locate it afterwards, after the colony was destroyed you could not locate it, but it was within that vicinity, within one or two or three tents, possibly, from it.

I went back into the depot and told the men there—

Chairman WALSH. Was the burning tent east or west of that tent where the bodies were found?

Lieut. LINDERFELT. Could not say definitely just where it was. You see that is a plain flat, so when a man stands here [indicating] and looks toward that tent colony he don't see any tents above or below. You have to estimate about which tent it was in that place.

About dark it was—7.20 I think the train comes in—it was about half past 6, and there was a fairly heavy wind blowing at that time, and the whole

southwest corner of that tent colony was burning. At half past 6, just about dark, I made an advance up there as far as the road. I didn't go clear to the road, because I saw some officer—I don't remember who it was, whether Lieut. Bigelow or Lieut. Linderfelt or Capt. Linderfelt or Lieut. Connor, or who it was—but anyway, I asked him how far they had gone, where their positions were, and they told me they were at the corner of the water tank and that Ted—that is, Capt. Linderfelt—that Ted and Morse—Lieut. Bigelow—were under the water tank firing at the steel bridge. They were at that time about 60 yards from the nearest tent—the tent that started burning—50 or 60 yards.

Chairman WALSH. In what direction?

Lieut. LINDERFELT. At that time they told me they had advanced at that time about 150 yards. The main column with Ted and a few more men had been up as far as the road. Since then I have asked him where they were when that tent colony started to burn and he told me they were from 50 to 60 yards from the nearest tent, or nearest building. The nearest building was not a tent but a sheet-iron store building—that they were within 50 or 60 yards of that when the first fire started.

The fire got pretty hot when the wind blew up. There were vast quantities of ammunition going off that was hidden under the tent floors, and that threw sparks up in the air which were carried by the wind onto the other tents and every now and then a giant would explode with a heavy explosion and throw sparks 50 or 75 feet in the air and they were carried by the wind in all directions.

The first time that I noticed any women in the tent colony, or there could have been any there, was when we started up with the advance—it was long after train time.

Chairman WALSH. When was train time?

Lieut. LINDERFELT. 7.20. We started up to drive these people out of the arroyo and the steel bridge. Capt. Linderfelt went out there with a detachment and drove them out, but misunderstood my orders, and instead of holding the bridge came back and reported that he had driven them out, and they immediately came back and he advanced again and drove them out. We were directing a heavy fire at that time at the steel bridge and pumping plant and those trenches and holes they were firing from from the arroyo. Then I formed the men that I had to make a charge on the trenches, to wipe them out of the trenches, out of the arroyo. The steel bridge had been taken care of, and was, from rifle pits. I left some men to cover our advance by rifle fire. The tent colony was all—the southwest and practically the west end of it was burning at that time. The big tent was burning, and that was the first time that I believed anyone was in the tent colony. We advanced with our rush and, of course, according to tactics and according to war as troops charge, we yelled and immediately there rose up the most awful wail I ever heard in my life, because I realized immediately what it was. Capt. Carson acted like a crazy man. He said, "My God, Monte, there are women and children in there; listen to them," and I said, "Get them, and get them quick." And we rushed in there and got a lot of them out. Some of them thought they were going to be murdered by us and had been told that undoubtedly. Some of them wanted to stay and some wanted to bring a trunk or something like that, but that they could not do, and we took them out, and got between 30 and 40 women and children altogether. While we were doing that anyone could see very plainly, and if a man had been on Water Tank Hill with a field glass he could see what we were doing. We were subjected to a heavy fire from the pits back of the tent colony, not 60 yards away from us, and the arroyo. The steel bridge was held by a part of a detachment of our men. That was the first idea any of us, including myself, had that there were any women or children up in the tent colony, after the fight started. We got out all we possibly could.

The next morning, I think, Mrs. Halloran, the postmistress at Ludlow, told me in the depot that one of those women told her there were some women hiding in the cave; and I said to her, "Mrs. Halloran, you go down and tell them I sent you down, and tell these people to come out, and that we won't hurt them. Tell them to come out and come to the depot," and she went. We took these women and children over to the military camp and took care of them that night. Some of them did not want to go there and some went to the depot. I think there were a few men among them. There was one man and his wife, I remember, and they had a couple of children; and there was a man by the name of

Snyder, I think it was, who had a little boy that had been shot in the head. He said he was shot about 5 o'clock. He told my men that he had gone out to attend to a call from nature and a bullet had hit him in the head. From the looks of the wound it must have been a soft-nosed bullet, because at that range our bullets did not make wounds of that kind. I talked to Snyder—I think his name was—this man, and asked him how this thing started, and he said that yesterday was the Greek Easter, and they were going to battle on Wednesday, but when they saw this detachment on the hill and when Maj. Hamrock called them up, that gave them an inkling that we knew something about the attack and that some one had given them away, and they thought it was better not to lose their arms and go into an unprepared fight, and they had better tackle us right there, and they did.

Chairman WALSH. Where was Snyder when he told you this?

Lieut. LINDERFELT. In the depot.

Chairman WALSH. Who else was present?

Lieut. LINDERFELT. Oh, there was Sergt. Casey.

Chairman WALSH. Was he under arrest?

Lieut. LINDERFELT. Who?

Chairman WALSH. Snyder.

Lieut. LINDERFELT. No, sir.

Commissioner WEINSTOCK. Who was Snyder?

Lieut. LINDERFELT. He was the man whose boy was killed.

Chairman WALSH. Was he allowed to remove the corpse of his boy at once?

Lieut. LINDERFELT. I think I saw that man before any other soldier did—before we made an advance on that tent colony, I think. I was the first man that saw him, because I was out working across that prairie as close as I could to locate these rifle pits, and I heard some one coming up the road, and immediately got over there and saw this man carrying his boy, this Snyder boy, and I said something to him like "What have you got there?" And he said, "This is my boy; he is dead." And I told him, "You had better go right down to the depot." And his wife said, "You won't kill him, will you?" I suppose meaning her husband. And I said, "No; we won't do anything like that; you take the boy down to the depot," which they did. So far as refusing to get that boy out of there, I don't know anything about that.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. When the men got the people out of the tent colony I—I don't remember the time just now, but we were preparing for another advance on this arroyo after getting these women and children out—we were going to do it from the pumping plant and the bridge. About that time Louis Tikas was brought before me a prisoner.

Chairman WALSH. What time was that?

Lieut. LINDERFELT. Along about 9.30.

Chairman WALSH. Who brought Mr. Tikas in?

Lieut. LINDERFELT. I don't know who it was; I don't remember; but we were in formation there in a bunch.

Chairman WALSH. How close was that to the southwest corner of the tent colony?

Lieut. LINDERFELT. That was about 30 feet west of the crossing of the Hastings road and the C. & S. track.

Chairman WALSH. Thirty feet west?

Lieut. LINDERFELT. Yes, sir; about that.

Chairman WALSH. Was he brought in alone?

Lieut. LINDERFELT. Yes, sir; as far as I know. Of course, I did not see the other two men.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. Tikas—some one hollered, "We have captured Louis Tikas"; so I went down there. I got right up from my position and went right over there, and I said to Louis Tikas, I said, "I thought you were going to stop this," and he told me—he called me a name that no man will take and I struck him with my gun.

Chairman WALSH. Had he ever called you any name before?

Lieut. LINDERFELT. Yes, sir; several times.

Chairman WALSH. Was he a vicious man?

Lieut. LINDERFELT. I would not say that Tikas was a vicious man. He was a shrewd man. I think he knew more in five minutes than Lawson or anyone else knew about handling the foreigners in that tent colony.

Chairman WALSH. What was his size?

Lieut. LINDERFELT. He was a man about 5 feet 5 or 6 or 7.

Chairman WALSH. What did he weigh, about?

Lieut. LINDERFELT. One hundred and fifty or one hundred and sixty pounds; in there somewhere. As I struck him with the gun he threw up his arm and it snapped the stock of my gun. It was not necessarily a hard blow, and I didn't knock him down, and immediately when I struck him these men wanted to shoot and lynch him, and I told them no, they could not do anything like that; and I turned him over to the sergeant to take charge of him, and then I went out to get some men to work across the flat to help drive these people out of the arroyo.

Chairman WALSH. What kind of a gun did you strike Tikas with?

Lieut. LINDERFELT. A Springfield service rifle.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. I got up to the depot—

Chairman WALSH. Just at that point, who else was present when that occurred?

Lieut. LINDERFELT. What?

Chairman WALSH. The striking of Tikas?

Lieut. LINDERFELT. A sergeant and two or three more noncommissioned officers. The men had got around us in a bunch by that time, and we got a pretty stiff fire, and in the crowd, and in the excitement of the moment, and in the fight, I could not remember who was there exactly, but probably Capt. T. C. Linderfelt was there and Lieut. Bigelow was there—if not right there, within 50 yards of there. They may have been firing at something at that time or may have been in the crowd, but one or two men I remember were there. I went on up to the depot and got a bunch of men together to rush across the flat and started back to the depot and saw Sergt. Taylor and Taylor said: "Say, Louis and some more of those fellows tried to get away, and they shot them." That is all of that part of it I know.

Chairman WALSH. Did you see his body afterwards?

Lieut. LINDERFELT. I saw it in the dead wagon.

Chairman WALSH. Did you examine it?

Lieut. LINDERFELT. No, sir; I did not examine it. He was in the dead wagon at that time.

Chairman WALSH. I am asked to ask you if a soldier is justified in striking a prisoner for calling him an improper or vile name?

Lieut. LINDERFELT. Anyone is justified in it, whether he is a lawyer or a soldier; that is a personal matter. When a man says that to me, he means something. I never use it unless I wish to fight and wish to insult a man beyond anything else; then I use a word of that kind.

Chairman WALSH. Proceed.

Lieut. LINDERFELT. Then, I think it was that evening—no, it was the next evening, we finally drove them out of the arroyo. Every time a train came in from half a dozen to 15 men would drop off that had come from different places. Capt. Nickerson got in from Colorado Springs, I think, the next day, with 10 or 12 boxes of ammunition, and other officers and men came in with ammunition. It was indiscriminate outpost duty at that time, and we finally drove them back into the Black Hills around there, and the reinforcements of men that came from all over the country, Denver and different places, that were sent down, joined them in the Black Hills up until the time Gen. Chase came in with the commands, and from then on it was more outpost duty than anything else.

I remember when they had this investigation of Capt.-Maj. Boughton, Maj. Danks, and Capt. van Cise, and they called me in off of the line several times to ask me questions.

Chairman WALSH. Was there a wound on the head of Mr. Tikas?

Lieut. LINDERFELT. Not that I know of. The coroner, I think, could give you all that information about his wounds.

Chairman WALSH. You did not examine the body close enough to ascertain where he was wounded?

Lieut. LINDERFELT. The only time I saw the body of Tikas was in the dead wagon—in that dead wagon, with five more men piled in one on top of another. Tikas, they said—I have seen reports about the man being robbed and looted and his puttees taken off. At that time he had them on.

Commissioner BALLARD. What are puttees?

Lieut. LINDERFELT. They are brown leather leggings—well, they need not necessarily be brown; they are leather leggings.

Chairman WALSH. Had you or any other member of the guard made threats that you would destroy the tent colony?

Lieut. LINDERFELT. No, sir; not that I know of or heard of.

Chairman WALSH. Were you aware, prior to the time of this battle, that any of the strikers in the colony were armed?

Lieut. LINDERFELT. Yes, sir; I knew they were armed; certainly I knew they were armed.

Chairman WALSH. Why was no effort made to disarm them prior to the fight of April 20?

Lieut. LINDERFELT. Repeated threats were made. John Lawson and the rest of them told Gen. Chase that if they would disarm the mine guard first they would turn in their arms which they had consisting of 16 rifles and a gun. They hid their arms. We found evidences after this fight where they had hidden their arms. It was in the north slope of that sand cut where they had taken up their position.

Chairman WALSH. State whether or not you gave orders during or after the battle to shoot everything that moved in the tent colony?

Lieut. LINDERFELT. Verbatim?

Chairman WALSH. Yes.

Lieut. LINDERFELT. No.

Chairman WALSH. What did you say about that?

Lieut. LINDERFELT. I gave orders to fire, directed the fire wherever I wished it.

Chairman WALSH. Did you direct the fire into the tent colony?

Lieut. LINDERFELT. I did, along about 6 o'clock.

Chairman WALSH. Was that before—that was before the fire, was it?

Lieut. LINDERFELT. During the fire. The colony was afire and probably during the afternoon I and one or two men with me at that time did fire into the tent colony at the southeast corner. From where we were in the depot we could not see the western part of that tent colony on account of the Snodgrass store in between us.

Chairman WALSH. A statement has been made that a ranchman named Bayes had stated that militiamen visited his home and looted it on the day following the fight at Ludlow and left a sign stating, "This is to pay for harboring strikers," and signed "C. N. G." Do you know anything about that?

Lieut. LINDERFELT. I only know it was published in the paper.

Chairman WALSH. Do you know whether there was any basis of fact in it?

Lieut. LINDERFELT. I think absolutely none.

Chairman WALSH. Have you any knowledge of it whatever?

Lieut. LINDERFELT. No, sir.

Chairman WALSH. How many women and children were in the tent colony immediately prior to the time of this battle, say a day or two before?

Lieut. LINDERFELT. I could not remember authentically; I could not state definitely how many, but there have been accounts of that made at different times which should be available and which I do not have possession of.

Chairman WALSH. Could you approximate the total population of that tent colony?

Lieut. LINDERFELT. You see when the strikers first started the tent colony there was an immense amount of Americans in there with their families, women and children, there were lots of them, and as this went on longer and longer, these people moved away, and probably went to other places or probably to the homes of their friends out of the district and went to work. These men were replaced—not replaced, but more men came in, single men who were principally Greeks and veterans of the Balkan War. They took great pride in showing their certificates of service. I understood from Capt. van Cise that at one time there was an epidemic of smallpox; I was not in the colony at that time; and there was compulsory vaccination in the tent colony, and at that time they questioned a number of people in there, and examined their papers, I believe. That is required by the health form. And they were asked and they stated they had been in the Greek Army or in a Balkan Army, and would probably show their discharge and their date of landing, which was after the date of the calling of the strike. These men I have inquired about very carefully since then to find out whether they were imported by the United Mine Workers to fight. They all told me they were getting more money than \$3 a week. Some of them told me they were getting \$3 a day—that they were

fighting men, and they showed me some papers which I could not understand, but which were official looking and which looked like an army discharge from that vicinity of Europe.

Chairman WALSH. That was before the 20th of April?

Lieut. LINDERFELT. Yes.

Chairman WALSH. What did you do with those that confessed they were simply there as fighters and not as workers? What was done with them?

Lieut. LINDERFELT. We could not do anything with them; I mean, we could not arrest them; if we had, we would have taken I think a hundred, and Capt. van Clise told me, I think, that 137 or 167 of them——

Chairman WALSH (interrupting). You mean to say you could not arrest them because you had no orders to arrest them, or why?

Lieut. LINDERFELT. They were in the tent colony, they were not disturbing the peace.

Chairman WALSH. But if they said they were there avowedly for the purpose of fighting and not as miners, would you not feel, as an officer of the State, that you should have apprehended them?

Lieut. LINDERFELT. I certainly would, but my instructions were not to do so.

Chairman WALSH. From whom?

Lieut. LINDERFELT. From Maj. Kennedy, I think, possibly—I don't recall who it was, but it was reported and I knew I could not arrest them for that. It may have originated from Gen. Chase. Probably the governor would order Gen. Chase to do it; I don't know who would not allow it.

Chairman WALSH. Is it the policy of the militia to refrain from arresting men who are mere fighting men and not workers?

Lieut. LINDERFELT. That tent colony previous to that fight in Ludlow was not composed of 10 per cent of workers.

Chairman WALSH. As I understand it, the theory of not disturbing those who were not disturbed is that they were not at the time committing any violation of the law, and that they were in that tent colony because they had left their homes at the time of the strike and simply occupied that as a temporary home.

Lieut. LINDERFELT. That was their home then.

Chairman WALSH. I want to get at it; I don't want to cross-examine you about it, but I want to get at, if I possibly can, the real attitude of the militia. Now, I suppose, according to your construction, that was treason against the government of Colorado and the United States Government?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Suppose that, say, 125 or 150 men came to you and told you they were pickpockets or other violators of the law, what would you have done?

Lieut. LINDERFELT. I would watch them; I don't believe I could arrest them.

Chairman WALSH. Wouldn't you have arrested them?

Lieut. LINDERFELT. I don't believe I could. This is a comparison between civil and military law. I mean like this, if I could arrest a man with the idea that my charges would go through on a court-martial against this man, or he would be fined for doing what he was arrested for, why, I would arrest him. But it would be useless to arrest him and have him turned loose by some one my superior.

Chairman WALSH. Please state the causes of arrests of those persons who were arrested and detained by the militia.

Lieut. LINDERFELT. Causes?

Chairman WALSH. What were the causes of the arrests of those who were arrested and detained by the Militia from time to time?

Lieut. LINDERFELT. Well, the causes of the arrest are the will of the military commander. It is his will that a man is arrested. For instance, if a saloon had a fuss in it or a fight or disturbance in it, we closed them up, maybe a week or 10 days, or 2 weeks, or so on; or if there was one man—now, there was one man, a negro, shot a Mexican there in Tabasco. I placed him under arrest for—I didn't say murder; I simply made a report on what he had done and sent the report in to the general with the prisoner.

Chairman WALSH. Maj. Boughton was the head of the military court?

Lieut. LINDERFELT. Judge advocate.

Chairman WALSH. Judge advocate?

Lieut. LINDERFELT. Yes.

Chairman WALSH. Before whom prisoners were brought?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Now, did you have the same idea he had as to authority and propriety of arresting persons which, without undertaking to quote him, I may not do it exactly—

Lieut. LINDERFELT. I am afraid I don't understand clearly what you mean.

Chairman WALSH. Maj. Boughton said that persons brought before him were not necessarily persons who had committed crime, but persons who had impeded or interfered with the militia in the district. Was that your understanding of it?

Lieut. LINDERFELT. Well, I knew that anyone who committed a crime and was brought before that military commission—now, I don't know anything about the civil law at all, only as a layman does on the outside.

Chairman WALSH. You did not arrest these men that told you they were not workers, but mere fighting men, veterans of the Balkan War and European war, and who came in there to fight? Your understanding was that those men were not to be arrested?

Lieut. LINDERFELT. Why, I could have arrested them, but it would not have done and good; they would have been released.

Chairman WALSH. Were any such arrested and were any such released?

Lieut. LINDERFELT. What? For being fighting men?

Chairman WALSH. Yes; for being mere fighting men, and not miners or striking workmen connected with the mines?

Lieut. LINDERFELT. Oh, I have arrested men for raising a disturbance in Berwind that were not in the Ludlow strike, or anything of that kind; but I don't know of a case in which a man's being an ex-soldier in some power or other than our own was cause of arrest.

Chairman WALSH. No; the distinction I am trying to make clear is that if a man was a former soldier, and had announced to the military officers that he was there simply to fight against the State of Colorado, and not to find a place on account of being—

Lieut. LINDERFELT. Oh, yes; but they never got that strong. They said they were up here—that they were fighting men—to look the mine guards up; they told us repeatedly and repeatedly and repeatedly that as soon as we left they were going to wipe out those miners.

Chairman WALSH. And they told you, some of them, that they were getting \$3 a day instead of \$3 a week?

Lieut. LINDERFELT. Just as they are telling the Regular Army troops down there now that if we ever get back there they are going to get us. So far as that goes, they repeatedly say those things. Now, whether they mean it—I think they do, of course, naturally. For instance, like when I was excused here this morning one gentleman said, "Well, we will get Linderfelt yet." Of course, that is immaterial. I have heard that repeatedly. It don't worry me any. If I am gotten, why, I am gotten. I expect I will be shot in the back of the head like some more of them have been shot. That part of it is mere nothing, and when these threats—these bravados that they make about what they are going to do, it was so common we paid little attention to it.

Chairman WALSH. You were frequently threatened?

Lieut. LINDERFELT. Oh, Louie Tikas has told me that. Some days I would pass him on the street and say, "Hello, Louie," and he would smile and say, "Hello, Monte," or "Hello, Linderfelt," or "Lieutenant." "I'll see you some day." And he would hold up his fingers. And I would say, "All right, let her come." That was just a common expression between Louie Tikas and myself; but he has told me that when I got that uniform off I would be a dead man. He has told me that and others have told me that. They have continually threatened about it. They have threatened Gen. Chase and others the same way, but, of course, I am more interested in the case of threats against my own life. I have been called up by telephone—called up by Fyler, son of the Fyler who was killed at Ludlow, called up about my authority when he was arrested for being on Water Tank Hill, and they told me they would get me before 24 hours; and they—and I was called up from Aguilar, and they told me what was going to happen to me; not only that, but real nice details of what was going to happen to me. I have received letters and Gen. Chase has received letters and phone calls and everything else. It is a common intimidation, if possible.

Chairman WALSH. I have some questions here that I have been requested to ask by the other commissioners. If you were not a company commander, but a staff officer, how could you directly command the men?

Lieut. LINDERFELT. Because I was assigned to command B Company, Second Infantry. I think that order was published November 1, 1913.

Chairman WALSH. Is this the first opportunity that had been offered you publicly to state your side of your story before any authorized tribunal?

Lieut. LINDERFELT. Or any other place—or in the newspapers or any other place; yes, sir.

Chairman WALSH. This is the first time you have stated your side of the story in detail?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. Had the civil courts and the other civil machinery in your district been suspended while you were in command?

Lieut. LINDERFELT. Absolutely; yes, sir.

Chairman WALSH. Can you have corroborated the statement made by you that martial law had been legally declared and that you had been ordered to enforce it?

Lieut. LINDERFELT. Now, there is a question that comes up in this place. As I said before, the fundamental principles of martial course are blind, absolute, implicit obedience to orders. I was so told martial law, or understood it. I am told now by Capt. van Cise that martial law was never legally declared. My supposition was, and I never doubted it for a moment, that martial law never was legal or illegal, or anything else but martial law, existed in the southern fields from the time the troops went in there until they left there. I had no reason to dispute it. Capt. van Cise says instead of being a logical order, or an order of that kind, that it was not legally done. Well, now, I can't quibble over that, because I don't know anything about it.

Chairman WALSH. Capt. van Cise and Maj. Danks are both lawyers?

Lieut. LINDERFELT. Yes, sir; and Maj. Boughton, also.

Chairman WALSH. And Maj. Boughton, I think, was the legal adviser of Gen. Chase.

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. And in your position you took no legal advice or had no facility for it?

Lieut. LINDERFELT. I did not need any legal advice. My superior was in the field.

Chairman WALSH. Did Maj. Boughton tell you that martial law had been declared?

Lieut. LINDERFELT. Well, the only question about it was—I remember one time I asked him when this quibbling was going on about whether a paper had been read and a trumpet blown, or a doctor had been called in, or something else to make a martial law—I asked the major about it, and Maj. Boughton told me that the mere presence of the troops in the field was a declaration of martial law. He cited a lot of cases—or some; I don't say a lot, but one case, a West Virginia case by the supreme Court, which I happen to remember.

Chairman WALSH. I am asked to ask you these questions. Some, I know, have been answered, but all of the commissioners don't seem to remember them the same. You were not a mine guard, but a deputy sheriff?

Lieut. LINDERFELT. I was a deputy sheriff, paid by the county of Las Animas, appointed by Sheriff Gresham, and taking my orders from Sheriff Gresham.

Chairman WALSH. What was the compensation of a deputy sheriff?

Lieut. LINDERFELT. I received \$5 a day and expenses. I know I got my pay—

Chairman WALSH (interrupting). Whom were you paid by?

Lieut. LINDERFELT. The man that paid me was Sheriff Gresham.

Chairman WALSH. I have been asked to ask you about your service in Mexico. I don't understand Spanish, but Commissioner Harriman would like to have me ask you how you, a member of the National Guard, and engaged in contracting in a metalliferous mine, came to be a deputy sheriff.

Lieut. LINDERFELT. I think I have shown previously that my mission in the southern fields was to give the absolute truth to the adjutant general and the governor of this State. The governor himself told me that he could not—that one man—that the operators would come up to him and tell him that one thing was white, and the United Mine Workers' officials would come up here and swear it was black, and he couldn't determine the truth from anyone.

Chairman WALSH. Before you left Cripple Creek, were you requested by anyone to go to the southern coal fields?

Lieut. LINDERFELT. We were attending here, I think, at that time, either a rifle match or a school of instruction. I was held over here one day by Gen. Chase to go down into the southern fields. Then he said, "You better go on up the creek; the governor is not ready yet." In the meantime Morris Bigelow, Lieut. Bigelow, and Lieut. Al Chase were sent down there on this same matter.

Chairman WALSH. Was Lieut. Al Chase the son of Gen. Chase?

Lieut. LINDERFELT. No, sir; he was a nephew. They were sent down there on this same mission identically.

Chairman WALSH. And you were in Cripple Creek?

Lieut. LINDERFELT. In Cripple Creek; and I called up Gen. Chase several times about going down there, when at the Creek. I said, "It is about time to go now, isn't it? I would go—my affairs are all straightened up here," and I had heard that it looked like trouble down there, and I had all my stuff ready to move, and when I left I took my wife with me as far as Pueblo, and she went on to Denver, and I went on down there.

Chairman WALSH. Did you consult with Gen. Chase or the governor before you went down after you came in from Cripple Creek?

Lieut. LINDERFELT. No, sir; I went straight from there.

Chairman WALSH. And then, if I understand it correctly, you went on instructions that you had received that later you would be asked to go down there?

Lieut. LINDERFELT. I went on the instructions that the general had given me when I was here in Denver.

Chairman WALSH. Did you talk to any of the coal-mine operators when you went down there?

Lieut. LINDERFELT. I didn't know one from anyone else.

Chairman WALSH. After you got down there, did you apply to Sheriff Gresham?

Lieut. LINDERFELT. Yes; I talked to Sheriff Gresham.

Chairman WALSH. Did you tell him what you were down there for?

Lieut. LINDERFELT. Yes; and he phoned—I simply told him who I was and he telephoned Gen. Chase, and I suppose the general said I was all right, of course, because things—then I was ready to start out—I was ready to start out to this Ludlow business. And Gov. Ammons came down there and told Gen. Chase—I phoned Gen. Chase and Gen. Chase phoned me to wait there until Col. Lee came down in the governor's party. And I stood in the Cardenas Hotel with Gov. Ammons, a man who afterwards I knew to be Lawson, and I think McLennan and Diamond and a Mr. Weitzel and Mr. Murray, whom I knew later, but I did not know them one from another at that time. I was looking as common as I possibly could, so without attracting attention, I stood there. No one seemed to know—each, I suppose—

Chairman WALSH (interrupting). Where was this?

Lieut. LINDERFELT. In the Cardenas Hotel at Trinidad; and one side thought that I belonged to the other side, and they did not know who I was; that is all.

Chairman WALSH. When was that conversation in the Cardenas Hotel?

Lieut. LINDERFELT. I don't remember the exact date, but Col. Lee could tell you.

Chairman WALSH. Was it before the militia was there?

Lieut. LINDERFELT. Yes, sir; before the first fight at Berwind.

Chairman WALSH. Did you inform the other deputy sheriffs acting with you that you were a military officer and a member of the National Guard?

Lieut. LINDERFELT. Oh, well—I guess I did. I did; any man that saw service.

Chairman WALSH. Now, Commissioner Garretson has handed me some questions, and he has translated that Mexican paper. Who was the signer of this Spanish paper?

Lieut. LINDERFELT. That paper?

Chairman WALSH. Yes, sir.

Lieut. LINDERFELT. Gen. Garibaldi.

Chairman WALSH. That was during the reign of Diaz, was it not?

Lieut. LINDERFELT. No, sir; that was Madero's first revolution.

Commissioner GARRETSON. Wasn't that during the Diaz régime?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. And Madero's revolution was going on?

Lieut. LINDERFELT. Yes, sir; the first one.

Chairman WALSH. What side did you fight on?

Lieut. LINDERFELT. Madero.

Chairman WALSH. On the Madero side?

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. And what was the rank of Garibaldi?

Lieut. LINDERFELT. Garibaldi was at that time graded a colonel—lieutenant colonel.

Chairman WALSH. Were you paid a salary as an army officer down there?

Lieut. LINDERFELT. Why, I was supposed to be paid a salary; yes, sir.

Chairman WALSH. How long were you there?

Lieut. LINDERFELT. I was with Madero. When I first joined Madero I think he had just gone across the river, and he had 62 or 63 men, and I joined him with 80.

Chairman WALSH. What was the name of your command?

Lieut. LINDERFELT. My command was the American Legion.

Chairman WALSH. American Legion?

Lieut. LINDERFELT. Yes.

Chairman WALSH. And your promotion as detailed there was from what to what? From segundo—

Commissioner GARRETSON. Yes; to first captain.

Lieut. LINDERFELT. Yes, sir.

Chairman WALSH. What are the equivalents of those ranks in the National Militia or in the Regular Army?

Lieut. LINDERFELT. You mean in—

Chairman WALSH (interposing). Yes; they call it first captain, and—

Lieut. LINDERFELT (interrupting). Well, first captain is about the rank of major; and they have then a major and they have a lieutenant colonel, who commands a regiment, and a colonel is more of a brigade commander. Their organization is entirely different from ours.

Chairman WALSH. Now, is there any other statement you would like to make voluntarily, Lieutenant, or is there any answer you have given that you have not had full opportunity to explain, or do you desire to amplify any answer that you have made?

Lieut. LINDERFELT. Well, of course—well, I don't know as I care about going into that, either.

Chairman WALSH. Was there any record kept, so far as you know, as to the actual number killed and wounded on both sides from the time the militia went into the field until the present time?

Lieut. LINDERFELT. We have absolute records in the adjutant general's office of every man that has been hit in the National Guard.

Chairman WALSH. Does that also include all that you were able to ascertain on the other side?

Lieut. LINDERFELT. No, sir; that would not be authentic, so I don't think any record was kept of it.

Chairman WALSH. Mr. J. J. Hendricks.

TESTIMONY OF MR. J. J. HENDRICKS.

Chairman WALSH. Please state your name.

Mr. HENDRICKS. J. J. Hendricks.

Chairman WALSH. And you are an attorney at law by profession, I believe?

Mr. HENDRICKS. Yes.

Chairman WALSH. You are a native of what State?

Mr. HENDRICKS. State of Missouri.

Chairman WALSH. And how long have you lived in the State of Colorado?

Mr. HENDRICKS. It will be 27 years on the 16th of next month.

Chairman WALSH. Were you admitted to the bar in this State?

Mr. HENDRICKS. I have been, but—

Chairman WALSH (interrupting). But you were admitted before you came here?

Mr. HENDRICKS. Admitted in Missouri; yes; at Lexington.

Chairman WALSH. Practiced law all the time during the time you have lived in this State?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. I think you were district attorney of what district?

Mr. HENDRICKS. Third judicial district of the State of Colorado.

Chairman WALSH. That includes what counties?

Mr. HENDRICKS. It includes the counties of Las Animas, Huerfano, Bent, Prowers, and Baca—five counties.

Chairman WALSH. Please describe briefly the duties of the district attorney.

Mr. HENDRICKS. The duties of the district attorney are to prosecute criminal cases when called upon, to attend grand juries, to conduct the examination of witnesses before coroner's juries, and as the general adviser of all county officers in the five counties of the judicial district.

Chairman WALSH. Let me ask you to state those counties again.

Mr. HENDRICKS. Las Animas, Huerfano, Bent, Prowers, and Baca, extending clear to the Kansas line.

Chairman WALSH. Do you have assistants under you?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. How many?

Mr. HENDRICKS. I have two in Trinidad, one in Walsenburg, one in Lamar, and one in Las Animas; no one in Baca.

Chairman WALSH. Are these assistants, except in the last instance, residents of the counties which you mentioned?

Mr. HENDRICKS. Yes, sir; they live in the counties where they perform their duties as assistants.

Chairman WALSH. Please state what steps you took to prosecute strikers or mine companies accused of violence prior to the arrival of the militia.

Mr. HENDRICKS. I took all the steps I thought necessary. Whenever complaint was made and I thought the evidence was sufficient, I prosecuted the case. If I thought it was not sufficient, I did not.

Chairman WALSH. Up to the time of the arrival of the militia, were all alleged acts of violence investigated and information lodged where found necessary in the ordinary course?

Mr. HENDRICKS. I think they were, generally; yes, sir; up to the time of the arrival of the militia.

Chairman WALSH. From your investigation in Huerfano and Las Animas Counties, what can you state as to who were the aggressors in the acts of violence?

Mr. HENDRICKS. I don't believe I would be in position to state that. There were conflicting statements on both sides, as always in a lawsuit.

Chairman WALSH. And there were acts of violence on both sides—claimed?

Mr. HENDRICKS. Claimed acts of violence on both sides, and each side anxious to have all on the other side arrested.

Chairman WALSH. What is the law briefly stated as to the authority of officials to deputize peace officers?

Mr. HENDRICKS. You mean the sheriff's authority to deputize?

Chairman WALSH. Yes; I guess he is the only peace officer in the county, isn't he?

Mr. HENDRICKS. Well, they have constables, a lower grade of peace officer.

Chairman WALSH. He is the chief peace officer?

Mr. HENDRICKS. He is the chief peace officer of the county. The sheriff has authority to appoint deputies. First, he has authority to appoint an under-sheriff, who really acts as sheriff. Then he has authority, by and with the consent, as I understand, of the board of county commissioners, to appoint a limited number of deputies for the purpose of performing the duties of the sheriff, such as serving papers, and so forth. He also has power to call out a posse comitatus; and they have been exercising the authority of appointing large numbers of deputy sheriffs whenever an industrial trouble arises.

Chairman WALSH. Then, in other words, he has the general powers of sheriffs everywhere else?

Mr. HENDRICKS. I think he does.

Chairman WALSH. He can call out a posse comitatus at his own command, of citizens, in case of trouble?

Mr. HENDRICKS. Yes, sir; and it is made a crime by citizens to refuse to join a posse comitatus when requested by the sheriff?

Chairman WALSH. Has a posse comitatus ever been called out in your county or in Huerfano County?

Mr. HENDRICKS. Not that I ever heard of.

Chairman WALSH. Now, what are the facts, as you know them, as to the deputy sheriffs, mine guards, or detectives, as deputy sheriffs in any of those counties?

Mr. HENDRICKS. I only know in a general way, Mr. Walsh, that there were a large number of them deputized by an examination of the records as testified to by Mr. Farr. I think there were about three or four hundred, and about that many or more in Las Animas.

Chairman WALSH. His county is Huerfano?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. And there was a like number or a greater number—

Mr. HENDRICKS. A greater number in our county. I think—Las Animas.

Chairman WALSH. And did you observe it as it was going on—the appearance of the men?

Mr. HENDRICKS. Well, I would see those men that had been appointed deputies; yes, sir.

Chairman WALSH. Did they carry arms visibly?

Mr. HENDRICKS. No; not show them; generally had a belt around them with a six-shooter in it, and a belt of cartridges.

Chairman WALSH. Did you ever raise any question as to the character of the men or source of supply?

Mr. HENDRICKS. No, sir; I considered that beyond my jurisdiction; outside of my duties.

Chairman WALSH. What was your first experience with the military authorities and conduct of their office?

Mr. HENDRICKS. The first experience I had with the military authorities was on the day that they marched to the Ludlow tent colony. I had never met any of the gentlemen at all. I didn't know Gen. Chase. He was pointed out to me, and I made myself known to Gen. Chase. We had had lots of trouble and turmoil down there, and I assumed he was coming down there with his army for the purpose of assisting us in some manner; and after having made myself known to the general I told him I would like to see him some time at my office and go over the situation with him. He said that he would see me some time before he left the district. That is all he ever said to me at that time. And the next time I had anything to do with Gen. Chase was when he threatened to arrest me and my office force for doing what he said was a violation of his military orders, of which we had received no orders. I can explain that if you desire it explained.

Chairman WALSH. I wish you would, please. What was the alleged violation?

Mr. HENDRICKS. Four Mexicans had committed an assault on a young man by the name of Smith, I believe, at the McLaughlin mine. Mr. McLaughlin was a brother-in-law of Gov. Ammons and a man who frequently came into our office while these troubles were going on and seemed to be friendly to the office. A criminal complaint was issued by our office. I think one of my deputies wrote it up and lodged it with the justice of the peace, Bowers, and a warrant was issued for the arrest of these people. It seems as though at that time the sheriff could not be found to serve these papers, and Mr. McLaughlin had the military arrest these four defendants and bring them into town, and they were put in jail. Afterwards they were brought down before the justice of the peace and arraigned. They were brought down by the civil authorities, being in the county jail they were brought down by the sheriff or some of his officers. We appeared at this preliminary examination before the justice of the peace for the purpose of having the case set for trial, and a bond was fixed in the sum of \$500 for each of these defendants over our protest, because we thought a bond of that character was too small for an offense of that kind; but the justice prevailed in the case and fixed the bonds at \$500 each. The bond was given by these defendants and accepted and approved by the justice of the peace, and they were allowed to go on this bond until the day of trial. Of course, you gentlemen that understand criminal procedure will understand exactly what I mean when I say this. Gen. Chase heard of this it seems, immediately, and it made him very angry, and he proceeded to send out and to have these same men that had given the bond before the justice rearrested and thrown in jail; and that is when he called up my son, who is one of my deputies, at my house—my residence, my home—and cursed and damned him awhile.

Chairman WALSH. Over the telephone?

Mr. HENDRICKS. Yes, sir; and said he was a great mind to throw the whole damn bunch in jail, and did start two details of officers to my house for the purpose of arresting my son and Mr. Ralston. Fortunately I was not at home at that time. I was down in the east end of the district; but it seems as though some of his officers knew Mr. Ralston in the Spanish-American War. I can give you the names if you want them. They prevailed on Gen. Chase not to send that detail over there and arrest these people, so they were not arrested at that time. A day or two after that Gen. Chase came into my office when I was present with one or two of his officers, and I think some privates. He came in very angry and in a rude manner and stormed around and stated that the reason he did not arrest us on that occasion was because my son had apologized over the phone. I turned to the boy—he was sitting there—and asked him if he had apologized, and he said he had not, nor he didn't propose to. That seemed to make Gen. Chase pretty angry, and he got up and left the

office, and he has never been back since as far as I know. So from that time on I had nothing to do with Gen. Chase during this whole controversy.

Chairman WALSH. During the entire controversy were you seeking to carry out the duties of your office under the constitution and laws of the State?

Mr. HENDRICKS. I did the very best I could, sir; and I think the only reason that they were not carried out more fully was because of the attitude of Gen. Chase and his advisers, who said publicly in the courts, and to everybody else, as has been testified to since you have been here, that they considered themselves absolutely supreme down there in that military district, and their orders had to be obeyed. And they frequently made the statements in the courts—I have heard Mr. Boughton make it in the trial of habeas corpus cases that it was a matter of supreme indifference to him and the commanding general whether or not a man or woman or child was guilty or innocent of any crime. It didn't make any difference to them. That the commanding officer had the right and power to put him in jail and keep him there during his pleasure; and such was done.

Chairman WALSH. What was the attitude of the ordinary citizen in that neighborhood with respect to that situation—those that were not engaged in the industrial conflict?

Mr. HENDRICKS. The attitude of the citizen was to keep quiet and not say much, because they were liable to be thrown in jail; and prisoners that were thrown in jail down there were held incommunicado. No one wished to enjoy that distinction. They did not say much.

Chairman WALSH. So you say, as far as the citizens who were not concerned in the controversy, why, they were simply in a state of repression; they took no part?

Mr. HENDRICKS. I don't know of them taking any part. Of course, there was an intensely bitter feeling down there.

Chairman WALSH. That is exactly what I want to get at—what you might call the psychology that injected itself.

Mr. HENDRICKS. Yes; people expected any minute something to happen. There was a tenseness about the situation that was appalling.

Chairman WALSH. Do the people generally, like in other places, have knowledge of the ordinary process of civil government?

Mr. HENDRICKS. Yes, sir. The civil courts were open, and we tried cases, except where we were prevented. There was one other thing that it might be well for the commission to understand. I had an understanding, or my office had an understanding, with the military authorities, through Maj. Boughton, Capt. Danks, and Capt. Smith, who were conducting the office of the adjutant general. A great many people were arrested, and people would come to me and want them prosecuted. I would say, "All right, if I can get the evidence I will prosecute them." It was our understanding with the military authorities—of course, I didn't have this understanding with Gen. Chase but with the adjutant's office. They were taking the testimony of witnesses for a long time—several weeks—down there at public expense, with the understanding that I was to have this testimony of various witnesses as against various persons whom the militia had placed in jail for some supposed crime or some crime. I would go over after it occasionally, and would meet them on the street and inquire about it, and always got promises but never was able to get hold of that evidence, and never have been up to this day, except in one case, and that was the case of the People v. Zancannelli, who had killed George Belcher on the streets of Trinidad—a man against whom I had already filed criminal information and who is now in the Trinidad jail. I investigated that, and that is all the testimony I ever had.

Chairman WALSH. Were you acquainted with these parties? Belcher was a mine guard?

Mr. HENDRICKS. Belcher was a Baldwin-Felts detective. I don't know whether he was a mine guard or not. I saw him around Trinidad all the time he was there.

Chairman WALSH. Had he been in trouble before?

Mr. HENDRICKS. He came here from West Virginia—from the West Virginia trouble.

Chairman WALSH. Who was the defendant in the case—a miner?

Mr. HENDRICKS. He was a foreigner; I suppose he was a miner. I never saw him at the time, but I think he was a miner.

Chairman WALSH. Did the taking of this testimony by the judge advocate general and his staff in any way impede the ordinary operations of your office with respect to the prosecution of crime?

Mr. HENDRICKS. I think it did, sir, in this way, because we were never able to get that testimony. Now, I will state that, through the courtesy of Capt. Danks, I was invited before the military commission on one or two occasions, where I was allowed to participate in the examination of witnesses in a murder case. I afterwards tried that case. It was a case where one striker had killed another at Ludlow strike colony. I tried that case and sent that fellow to the penitentiary for murder. And one or two other cases I was permitted to assist in the examination of witnesses.

Chairman WALSH. The attorney general of the State has supervisory control over your office, has he, in this State?

Mr. HENDRICKS. I understand by virtue of a supreme court decision, he has a right to prosecute any criminal case wherein the district attorney could prosecute. I don't understand he has supervisory—

Chairman WALSH (interrupting). But his authority is—

Mr. HENDRICKS (interrupting). Concurrent. I would call it.

Chairman WALSH (continuing). Concurrent, as you would call it?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. What was the attitude of the judge advocate general or of the military commission, generally speaking, toward your office?

Mr. HENDRICKS. The attitude was to ignore it, I think, as much as possible. I think, Mr. Walsh.

Chairman WALSH. You are the chief legal officer for that district?

Mr. HENDRICKS. I am in that capacity; yes, sir.

Chairman WALSH. Did you consider that the acts of the military commission were beyond their proper authority down there in accordance with the statutes of Colorado and the constitution of the State.

Mr. HENDRICKS. I did. I consider them an absolute violation of the constitution of the State, which says that the military shall always be in strict subordination to the civil powers. That is what our constitution says. And they took the view that they were supreme. I took the view that they were not supreme. And I do not believe that they were, because after trying people and hearing all this testimony, I believe that they did not impose any sentences.

Chairman WALSH. Please state what investigation you conducted as to the fight at Ludlow?

Mr. HENDRICKS. I was not in that county at that time. I was in Lamar, Colo., about 140 or 150 miles east of there. When I arrived home I assisted in conducting coroners' inquests, as one of my duties.

Chairman WALSH. Upon the bodies—

Mr. HENDRICKS. Upon the bodies of Tikas, Fyler, and those two women and little children, I don't remember their names; I can't remember them.

Chairman WALSH. Did you arrive at any conclusion as to who were the aggressors at Ludlow on April 20?

Mr. HENDRICKS. Well, I wish to say that I was not allowed to complete the conduct of that coroner's inquest.

Chairman WALSH. Just state the circumstances, if you please?

Mr. HENDRICKS. We telephoned out to the commanding officer, I think Maj. Hamrock, and got permission to come out and look over the ground. Went out with Mr. Sipe, who was the coroner and looked over the situation and got some witnesses; went out later with a coroner's jury, which was selected in Trinidad, and examined quite a number of witnesses, citizens. We desired to examine some of the military officials. They did not want to come to Trinidad, so we thought we would conduct the examination out there, and it was agreed by Maj. Boughton that we might do so. We waited around there until late in the afternoon, and it was cold at the tent, and discussed the situation. Finally, Maj. Boughton thought it was rather an unprecedented thing that the civil authorities should come out there and examine military officers, and he requested that he be permitted to conduct that examination, that I retire; and I did retire from conducting the examination any further. What was done at that time, I don't know.

Chairman WALSH. Were you able to arrive at any conclusion as to who were the aggressors at Ludlow?

Mr. HENDRICKS. Why, I have my own opinion about that, but I don't think it would be worth anything to this committee.

Chairman WALSH. Were you able to get the attitude of the community generally?

Mr. HENDRICKS. Each side claims the other side started the fight. I don't know. I wouldn't like to express an opinion.

Chairman WALSH. You wouldn't like to express an opinion?

Mr. HENDRICKS. I don't know who started it.

Chairman WALSH. How is that?

Mr. HENDRICKS. I wasn't there, and I don't know who started it.

Chairman WALSH. Please state what steps you have taken to prosecute persons alleged to be guilty of homicides, arson, or other crimes following the Ludlow battle?

Mr. HENDRICKS. There was a grand jury called soon after that, in December, at which the attorney general of the State was present most of the time. A great many witnesses were examined, but very few indictments were filed, were found by this grand jury. There have been numerous informations, criminal informations, filed for all sorts of crime; the docket is full of cases, but most of them have been continued because the attorney for the defendant and the associate attorney for the prosecution in those cases have insisted that conditions were such that the cases should not be tried owing to the danger of public prejudice and public opinion.

Chairman WALSH. Are there special prosecutors in a majority of these cases, in these cases that grew out of the industrial disturbances?

Mr. HENDRICKS. I believe in all of them.

Chairman WALSH. Who is the special prosecutor?

Mr. HENDRICKS. Judge Northcutt is with me in those cases.

Chairman WALSH. And in all of the cases in this district?

Mr. HENDRICKS. I believe so, all that grew out of the industrial strike.

Chairman WALSH. What is the custom, the law about the appointment of special prosecutors in these cases?

Mr. HENDRICKS. They are not appointed.

Chairman WALSH. Is it just a matter—

Mr. HENDRICKS. It is simply a matter of courtesy.

Chairman WALSH. Upon the part of the prosecutor?

Mr. HENDRICKS. Take, for instance, Judge Northcutt's case. He is employed by the operators. They come to me and say, "I have been employed to assist you in this matter;" and I usually say, "I am always glad to get help in all cases of this kind." I very seldom say no.

Chairman WALSH. When the special prosecutors are allowed, what part is usually taken by the special prosecutor?

Mr. HENDRICKS. Well, I generally put as much work on him as I can.

Chairman WALSH. Has he the right at those times to open and close the case—make the opening statement and the closing argument?

Mr. HENDRICKS. In no case that I have been in with a special prosecutor has that ever been so.

Chairman WALSH. You do that yourself?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. Does he discover the witnesses?

Mr. HENDRICKS. I usually leave that mostly to them.

Chairman WALSH. And in examining witnesses, how is it?

Mr. HENDRICKS. That is divided. We divide that work up.

Chairman WALSH. Does that practice cause any prejudice on the part of the defendants or their friends or the people generally?

Mr. HENDRICKS. I think it does.

Chairman WALSH. Is it or is it not a source of irritation when these practices are going on?

Mr. HENDRICKS. I think it is as to those people.

Chairman WALSH. What has been your experience in prosecuting mine guards accused of murder and other crimes at Walsenburg?

Mr. HENDRICKS. Not been satisfactory.

Chairman WALSH. And what seems to be the trouble?

Mr. HENDRICKS. Well, they have generally been acquitted on the theory that they are officers and in the performance of their duty, and it has been hard to convict that class of people.

Chairman WALSH. How is the jury selected?

Mr. HENDRICKS. Well, the jury is selected—you mean, how are the challenges made?

Chairman WALSH. How is it selected; how is the panel selected?

Mr. HENDRICKS. Oh; the panel is drawn, the regular panel, by the county clerk of the district court in the presence of the sheriff out of a box from names that are put in there by the county commissioners.

Chairman WALSH. How many names?

Mr. HENDRICKS. Depending upon the number of people in the county.

Chairman WALSH. In Walsenburg?

Mr. HENDRICKS. I think about 300.

Chairman WALSH. Three hundred names?

Mr. HENDRICKS. I think it is 300. I have nothing to do with drawing the jury, no more than you have.

Chairman WALSH. Well, is the method of selecting the jurors—the panel of jurors—satisfactory in the main?

Mr. HENDRICKS. The theory is satisfactory, but in practice it has not been satisfactory.

Chairman WALSH. How many inhabitants are there in Huerfano County—how many legal jurymen—would you say?

Mr. HENDRICKS. I wouldn't be able to tell you that, Mr. Walsh; I don't know; two or three thousand, I suppose.

Chairman WALSH. There is a voting population of how many?

Mr. HENDRICKS. I should say four or five thousand.

Chairman WALSH. About 5,000, I think the sheriff said here the other day. Isn't that rather a small number of jurymen to place in a wheel to select a panel from—10 per cent of the qualified jurors?

Mr. HENDRICKS. Yes, sir; but we must do those things according to law.

Chairman WALSH. Is there a statute?

Mr. HENDRICKS. There is a statute which says how many you have got to put in, based on the population.

Chairman WALSH. Then a discretion is exercised by the county commissioners?

Mr. HENDRICKS. Just what names to put in?

Chairman WALSH. Yes.

Mr. HENDRICKS. I assume that is correct.

Chairman WALSH. Do any particular individuals or corporations have any influence in those counties, or any of them in the selecting of county commissioners?

Mr. HENDRICKS. Oh, I presume they do; yes, sir; like they do everywhere else at elections. I assume they know whom they want to elect.

Chairman WALSH. Do the mining companies participate in politics?

Mr. HENDRICKS. A great many times they do; yes, sir.

Chairman WALSH. Do the labor unions participate in politics?

Mr. HENDRICKS. Yes; they do.

Chairman WALSH. Do one side or the other at times have their friends on the board of county commissioners?

Mr. HENDRICKS. I think they do; yes, sir.

Chairman WALSH. How many county commissioners are there?

Mr. HENDRICKS. Three in each county.

Chairman WALSH. Well, then, if the county commissioners, with a small panel like that, under the law are the friends of either side, the trial of criminal cases can be practically controlled, can it not?

Mr. HENDRICKS. Not through that means so much as through the means of getting special venires.

Chairman WALSH. Tell us how that is done.

Mr. HENDRICKS. Well, when the regular panel is exhausted for any means, or any part of it, by challenge for cause or peremptory challenge, a special venire is handed to the sheriff for the new panel, and there is where the trouble comes.

Chairman WALSH. Does the sheriff have absolute control in the selection?

Mr. HENDRICKS. Absolute.

Chairman WALSH. Is the regular panel usually exhausted in these cases growing out of industrial disputes?

Mr. HENDRICKS. They are in capital cases; yes, sir.

Chairman WALSH. In practically all of them?

Mr. HENDRICKS. I think so; in most of them.

Chairman WALSH. Now, then—

Mr. HENDRICKS. That is, if you desire and think it is proper—we have 15 challenges on a side in capital cases in this State.

Chairman WALSH. Is it a matter of agreement for both sides?

Mr. HENDRICKS. No, sir; that is the statute.

Chairman WALSH. And what did you mean by saying "if you desire and think it is proper"?

Mr. HENDRICKS. Perhaps you won't want to use all of those challenges.

Chairman WALSH. But I say in case both sides exhaust the challenges, there is no other way to get jurymen except in this way that you have mentioned?

Mr. HENDRICKS. No way I know of, unless the court should order another panel drawn from the box, which I have never seen done in the 27 years I have practiced law in this State.

Chairman WALSH. Do you draw panels, or have panels been drawn in which a large proportion of them were non-English-speaking jurors?

Mr. HENDRICKS. Yes; practically all of them are non-English speaking in Huerfano County.

Chairman WALSH. In Huerfano County?

Mr. HENDRICKS. A great many of the terms. Some terms there are Americans.

Chairman WALSH. And has there been any case lately, or some cases, where it was said 11 of them were non-English speaking, of the jurors? I don't recall the name of the defendant.

Mr. HENDRICKS. That was the Seventh Street case, I believe, tried not long ago in Walsenburg.

Chairman WALSH. What was the charge in that case?

Mr. HENDRICKS. That was murder.

Chairman WALSH. Who was the defendant?

Mr. HENDRICKS. Oh, there were five defendants—five deputy sheriffs.

Chairman WALSH. What was the result of the case?

Mr. HENDRICKS. They were found not guilty by the jury.

Chairman WALSH. And how many of the jury were found non-English speaking?

Mr. HENDRICKS. Well, I will explain that. There were 11 Mexicans on the jury and 1 American. The case was tried through an interpreter. I don't know how many of those Mexicans spoke English, but there were 11 Mexicans on the jury and 1 American. Some of them perhaps understood some English, but you had to use an interpreter just the same.

Chairman WALSH. Are the jurors in this State instructed in writing?

Mr. HENDRICKS. Yes, sir; before argument.

Chairman WALSH. Before argument?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. And were those instructions in that case more or less voluminous?

Mr. HENDRICKS. Such as are ordinarily given in a murder case, the set instructions in this State.

Chairman WALSH. Are they all read by the judge?

Mr. HENDRICKS. They are read by the judge and interpreted by an interpreter to the jury.

Chairman WALSH. About how many instructions would be given in a homicide case?

Mr. HENDRICKS. There would be about 18 to 25 instructions, I think, in an ordinary homicide case.

Chairman WALSH. Those are read by an interpreter?

Mr. HENDRICKS. Read by the judge to the interpreter, and the interpreter interprets them to the jury.

Chairman WALSH. Now, how long was the jury out in this case where these five men were on trial?

Mr. HENDRICKS. Between two and a half and three hours, as I understand it.

Chairman WALSH. Was the community satisfied with the result of the case?

Mr. HENDRICKS. I don't think it was.

Chairman WALSH. What has been your experience as to the participating of coal-mining companies in politics in the district?

Mr. HENDRICKS. I have taken very little interest in politics myself, sir, and I only know in a general way what I have heard and read about that.

Chairman WALSH. Is this your first term as district attorney?

Mr. HENDRICKS. Yes, sir; the first term as district attorney, but it is not the first office I have ever held.

Chairman WALSH. What other officer have you held?

Mr. HENDRICKS. I have held some minor offices. In 1890—24 years ago I think it was—I was a member of the eighth general assembly of this State. I was deputy district attorney on two occasions when I first came to the State in the early eighties, 1887, 1888, 1889, and along early in the nineties, and city attorney of Trinidad two years.

Chairman WALSH. Is there a feeling in the community—a general feeling in the community—that the courts of the States—the courts in these coal fields—

do not properly function in times when there are no industrial disputes going on, due to the fact that one side or the other has control of the officials?

Mr. HENDRICKS. That has been the charge, yes, sir; but I don't know whether it is true or not.

Chairman WALSH. You have observed the facts with relation to the bringing of personal-injury suits in these counties, have you?

Mr. HENDRICKS. Yes, sir; pretty closely.

Chairman WALSH. The district clerk read to us here the other day and also stated in that connection that there had been no recoveries against mining companies in Huerfano County for 23 years. Is that a fact that is generally known?

Mr. HENDRICKS. That is a fact generally talked of to be true.

Chairman WALSH. Is it commented upon?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. Do the people generally believe that the courts are fair?

Mr. HENDRICKS. I will state this, Mr. Walsh: The district judge that we had prior to the present judge was on the district bench of the third judicial district for over six years.

Commissioner WEINSTOCK. State or Federal?

Mr. HENDRICKS. State; and there never was a personal-injury suit went to the jury that I am aware of. I think I am absolutely correct in this—as long as he was on the bench. I have had some personal experiences of my own. I could never get one to the jury, and I don't think any other lawyer ever succeeded.

Chairman WALSH. Commissioner Lennon asks, did the court take them out of the hands of the jury by peremptory instruction?

Mr. HENDRICKS. Yes, sir.

Chairman WALSH. What state of mind, if you observed, has that produced among the people?

Mr. HENDRICKS. They just thought that it was useless to bring any suits of this character. Some of the attorneys would bring their suits in Denver or Pueblo in order to get away from those two counties wherever possible. If they could get service, in order to get them into court. That class of cases—I used to try a great many of them myself—that class of cases has practically vanished from the court dockets of those two counties, because the people think it is useless to bring them.

Commissioner GARRETSON. In the face of the conditions you have stated, Mr. Hendricks, do you subscribe to the statement that was made before this commission that there was no industrial unrest in that territory?

Mr. HENDRICKS. I do not. I think there is much unrest and has been for a long time.

Commissioner GARRETSON. Largely traceable to the very methods that you describe?

Mr. HENDRICKS. I think so; that is my opinion, sir.

Commissioner GARRETSON. In regard to men being held incommunicado. For how long a period were men held incommunicado during the period of military rule?

Mr. HENDRICKS. I understand all the time they were in jail. That has been testified to here as being from 40 to 53 days.

Commissioner GARRETSON. You are familiar with the Mexican law in regard to holding men incommunicado for a period?

Mr. HENDRICKS. I think it is two days.

Commissioner GARRETSON. Seventy-two hours.

Mr. HENDRICKS. Seventy-two hours; yes, sir.

Commissioner GARRETSON. Have you knowledge as to whether the State Department of this Government has protested time after time against the detention of American citizens for over that period?

Mr. HENDRICKS. I have a general knowledge through the public press, is all on the subject.

Commissioner GARRETSON. Is it lawful to hold a man in that manner under regular civil process here?

Mr. HENDRICKS. Well, if he is held incommunicado?

Commissioner GARRETSON. Yes.

Mr. HENDRICKS. I don't think so, although it is sometimes done, frequently done. I think a man put in jail has a right to counsel within a reasonable time and should be able to see his attorney if he wants one.

Commissioner GARRETSON. In these interpretations between the judge and the jury and between the witnesses and the jury has the accused a voice in the selection of the interpreter?

Mr. HENDRICKS. No, sir; the court appoints the interpreter the same as he does any other officer.

Commissioner GARRETSON. From your own experience, does it partake of the farcical to surround a jury with legal restrictions for a fair trial and then convey all the information to the jury through a channel that is not equally guarded?

Mr. HENDRICKS. It is a very cumbersome mode. In some cases we have two interpreters, one Italian and one Mexican, or probably a Jap or a Chinaman or a Montenegrin, and so it goes through two or three interpreters before it gets to the jury, and when it does get to the jury I don't think the jury knows what is said or anybody else.

Commissioner GARRETSON. Nor the accused does not know whether the testimony has been properly presented or not?

Mr. HENDRICKS. No, sir; I don't think so. It is very hard to get a translation made correctly, to get ideas conveyed through an interpreter from one language to another so as to get the thing intelligible.

Commissioner GARRETSON. Nor to make allowances for variations in vernacular?

Mr. HENDRICKS. Yes.

Commissioner GARRETSON. When you were allowed to appear before the military commission, or whatever it was, the inquiry——

Mr. HENDRICKS. The military commission.

Commissioner GARRETSON (continuing). And examine witnesses with reference to the crime charged against people they had in jail, were you, as district attorney—was it made apparent to you, you were allowed there as a right, or were you allowed there through courtesy?

Mr. HENDRICKS. I think it was through courtesy.

Commissioner GARRETSON. You considered it so?

Mr. HENDRICKS. I would consider it so.

Commissioner WEINSTOCK. Just one question. Who is the final judge as to whether the military in the time of labor disturbances is or is not supreme in Colorado?

Mr. HENDRICKS. The supreme court, I should say.

Commissioner WEINSTOCK. Has the supreme court rendered any decision on that point?

Mr. HENDRICKS. They have rendered a decision called "In re Moyer case," which the military authorities seem to think gives them absolute right in the premises to do anything they want to with reference to detaining people.

Commissioner WEINSTOCK. Are you familiar with that decision?

Mr. HENDRICKS. It has been a long time since I read it.

Commissioner WEINSTOCK. Can you give a reference to it?

Mr. HENDRICKS. Thirty-fifth Colorado Supreme Court Reports.

Chairman WALSH. We have it together with the dissenting opinion, and a very concise brief on the question.

Commissioner WEINSTOCK. As I understand it, Mr. Hendricks, the decision of the supreme court, until it is reversed, is the law of the land?

Mr. HENDRICKS. It is supposed to be the law of the State; yes, sir; it is the law of the State.

Commissioner WEINSTOCK. Under those circumstances that is the law, then, in Colorado?

Mr. HENDRICKS. Yes, sir; providing the facts of this strike situation bring it within the facts of that case, which is disputed. That is where the trouble has been in the case, whether there was a proclamation issued and signed by the governor declaring martial law in this case or there was not.

Commissioner WEINSTOCK. Your decision, then, is that martial law had not been legally declared by Gov. Ammons?

Mr. HENDRICKS. I am saying, Mr. Weinstock, that is the position of the one side, while the other side claims it was. I haven't taken any position on it, myself.

Commissioner WEINSTOCK. If the governor of the State had declared martial law, there certainly must be evidence of it, would that not be the fact?

Mr. HENDRICKS. Yes.

Commissioner WEINSTOCK. You say you have seen no evidence of the governor having declared martial law?

Mr. HENDRICKS. I didn't say that I had seen no evidence.

Commissioner WEINSTOCK. Then I misunderstood you. What is your position in the matter?

Mr. HENDRICKS. I say I haven't taken any position on that proposition, because it didn't concern me. But I say in this matter, when there was a habeas corpus proceeding where they had people in jail in Trinidad, Mr. Hawkins, who represented the mine workers' union, pleaded for a writ of habeas corpus, that these men were in there, and Maj. Boughton, who represented the military authorities, came in to defend and claimed it did not make any difference whether they were guilty or innocent, that they had a right to hold them and that therefore a writ of habeas corpus wouldn't be prevailing in this State under the Moyer decision.

Commissioner WEINSTOCK. There was a clean-cut issue between you, representing the civil authorities—

Mr. HENDRICKS. I didn't represent anybody.

Commissioner WEINSTOCK (continuing). And Maj. Boughton, representing the military?

Mr. HENDRICKS. I didn't represent anybody in the case. I wasn't in the case.

Commissioner WEINSTOCK. But I understood you—

Mr. HENDRICKS. Mr. Hawkins, I say, represented the mine workers and handled that side of the case.

Commissioner WEINSTOCK. I understood you to say a little while ago that you withdrew from the case because Maj. Boughton objected. Didn't you testify to that effect within the last 15 or 20 minutes?

Mr. HENDRICKS. A coroner's jury. That was a coroner's inquest held at Ludlow, because he objected to the civil authorities examining military officers, claiming that we had no right to do it.

Commissioner WEINSTOCK. This commission is interested, I think, in knowing at this time whether or not the State of Colorado, or at least the strike zone, was or was not legally under martial law.

Mr. HENDRICKS. That is a question that is disputed by the parties engaged in this controversy and has never been settled.

Commissioner WEINSTOCK. How can that be determined to the satisfaction of this commission?

Mr. HENDRICKS. I think you will have to determine that yourself, or the supreme court of the State. I don't think anybody knows whether martial law was declared or not. I don't. I wired the governor two or three times, I have copies of telegrams asking plainly and explicitly to please to state to me, that I desired to know in my official capacity whether or not he had declared martial law in Colorado, and got back: "See Gen. Chase," on two different occasions.

(Mr. Hendricks later submitted copies of telegrams, military orders, and letters, which appear as "Hendricks exhibit.")

Chairman WALSH. We must have perfect order, ladies and gentlemen. Please preserve order.

Commissioner LENNON. In the case you spoke of, of the trial of five men, were there any deputy sheriffs acting as jurors in that case?

Mr. HENDRICKS. I don't know whether there was or not, sir.

Commissioner LENNON. Any mine guards?

Mr. HENDRICKS. Not to my knowledge, I did not intend to leave any on.

Commissioner LENNON. What is the situation in your district, particularly in Las Animas and Huerfano Counties, as to the constitutional right to exercise free speech and a free press—I do not mean while this fracas has been going on, but in the years gone by when there was no industrial conflict?

Mr. HENDRICKS. I think that has been allowed, sir. People could speak and write what they pleased without any interference; that is, in Trinidad. I do not know about those camps. I do not go to them; very rarely ever go to those camps.

Commissioner LENNON. What is known as union agitators—were they permitted to speak freely in Trinidad at any time they might come there?

Mr. HENDRICKS. I never heard of one speaking on the streets, except Mother Jones. I believe she spoke there. I never heard her, though.

Commissioner LENNON. Was she prevented from speaking more than one time?

Mr. HENDRICKS. I do not know that she ever was.

Chairman WALSH. That is all. You may be excused.

(At 4.35 p. m., Friday, December 11, the commission adjourned until tomorrow, Saturday, December 12, 1914, at 10 o'clock a. m.)

DENVER, COLO., *Saturday, December 12, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Garretson, Weinstock, and Harriman.

Chairman WALSH. The commission will please be in order.

It is due to the witnesses and the others who have been kept waiting this morning for us to say that the commission was compelled to hold an executive session, which has lasted longer than expected.

Robert Young.

TESTIMONY OF MR. ROBERT YOUNG.

Commissioner O'CONNELL. Give your name to the reporter.

Mr. YOUNG. Robert Young.

Commissioner O'CONNELL. And you reside where?

Mr. YOUNG. Walsenburg, Colo.

Commissioner O'CONNELL. Walsenburg?

Mr. YOUNG. Yes, sir.

Commissioner O'CONNELL. What is your business?

Mr. YOUNG. Miner.

Commissioner O'CONNELL. Miner?

Mr. YOUNG. Yes, sir.

Commissioner O'CONNELL. For what company are you now working?

Mr. YOUNG. I haven't worked none for any for two years.

Commissioner O'CONNELL. What are you doing now?

Mr. YOUNG. I ain't doing anything.

Commissioner O'CONNELL. What company did you last work for?

Mr. YOUNG. C. F. & I. Co.

Commissioner O'CONNELL. At what mine?

Mr. YOUNG. Walsen.

Commissioner O'CONNELL. Were you a pit boss then?

Mr. YOUNG. No, sir.

Commissioner O'CONNELL. Were you in a position of authority at all?

Mr. YOUNG. Not under the C. F. & I.

Commissioner O'CONNELL. Just pitch your voice a little higher. What other companies have you worked for?

Mr. YOUNG. I worked for the Victor-American and the Cedar Hill Coal & Coke Co.; I held positions under both of those companies.

Commissioner O'CONNELL. You have held positions under both of them?

Mr. YOUNG. Yes; mine foreman.

Commissioner O'CONNELL. Night foreman?

Mr. YOUNG. Mine foreman.

Commissioner O'CONNELL. Mine foreman?

Mr. YOUNG. Yes, sir. I owned a third lease in the Canyon Coal Co.; I superintended for the Black Canyon Fuel Co.; I leased from the Union Coal & Coke Co.

Commissioner O'CONNELL. How long have you lived in Colorado?

Mr. YOUNG. I came here in 1897.

Commissioner O'CONNELL. From where?

Mr. YOUNG. Ohio.

Commissioner O'CONNELL. Did you work as a miner in Ohio?

Mr. YOUNG. As a mine foreman.

Commissioner O'CONNELL. What class of workers are employed around the mines besides the miners?

Mr. YOUNG. Well, do you mean inside of the mine?

Commissioner O'CONNELL. All around; what other skilled workmen are employed?

Mr. YOUNG. Track layers, timbermen, drivers, machine runners, pumpers, and a few utility men.

Commissioner O'CONNELL. Who looks after the matter of securing the material for the men who put in the timbers and does that safety work around the mine?

Mr. YOUNG. As a rule, the mine foreman would during my time.

Commissioner O'CONNELL. Did you experience any difficulty in securing proper material to make the mine safe?

Mr. YOUNG. Sometimes I did when I was a miner.

Commissioner O'CONNELL. Just explain to the commission.

Mr. YOUNG. Well, in regard to getting the props of proper length, ties for laying the track with, and rails; it was sometimes very hard to get them the proper lengths, that is, the mine props, and sometimes very hard to get the rails to lay the tracks handily, and that caused lots of dissatisfaction sometimes.

Commissioner O'CONNELL. Did accidents occur because of not having an opportunity, or not getting material to put in props of the proper length?

Mr. YOUNG. Well, I would lay it principally to them conditions that existed. I might state right here that nearly all my experience was—that in all my mine experience as a mine foreman, both in the State of Ohio and the State of Colorado, I never had a man crippled in a mine or killed. I had two or three men get killed with runaway trips, but not with rock.

Commissioner O'CONNELL. Are you a member of a union?

Mr. YOUNG. I am not.

Commissioner O'CONNELL. Were you ever a member of the Mine Workers' Union?

Mr. YOUNG. I was; yes, sir.

Commissioner O'CONNELL. How long ago?

Mr. YOUNG. Seventeen years ago. I have never been a member of a union in Colorado.

Commissioner O'CONNELL. Have you had any dealings with organized labor, as a mine foreman?

Mr. YOUNG. Yes, sir; in Ohio, I had; it was all unionized labor there.

Commissioner O'CONNELL. Do you know anything about whether the men were prevented or stopped in any way from joining the union here in Colorado?

Mr. YOUNG. The unions?

Commissioner O'CONNELL. Yes; was there anything done to prevent a man from joining the union if he wanted to?

Mr. YOUNG. Why, my friend, if he was thought to be a union man, if he lit in any of the Colorado camps, it was good-by for that union man. He would have to move; they would not leave him light.

Commissioner O'CONNELL. What methods were adopted to keep track of the union men that came into the camp, as to whether they were or were not members of the union?

Mr. YOUNG. You take these big camps and there are always a lot of sleuths.

Commissioner O'CONNELL. That is, you mean detectives?

Mr. YOUNG. Evidence men, or whatever you call them, and if a stranger goes in there they get after him to find his business right away. I can cite you to one instance that happened to myself at the Walsen camp.

I had worked at the Robinson mine about a year, and I quit, and I am very well acquainted there. I had not been around the camp for about probably a month when a friend of mine and I, and I had a son, an electrician up there at that time. I was very well acquainted with the superintendent and the officers up there, and as I went up there, I was going over toward the powerhouse, and I seen a fellow coming from the office, and I said to this friend of mine, Turner, "Here is a fellow coming over to find out who we are." He was a stranger there, but a nice fellow, and he came over there and talked to us and asked us if we were acquainted there, and I kind of joshed him at first, and I said, "Yes." He said, "Do you work here?" "No, sir," I said, "but I have worked here." He said, "Who do you know?" I said, "Practically everybody here." There was an old gentleman in the power house by the name of Ball, who was sitting out on the porch, and he holloed over to me, "Hello, Bob," and I said, "Hello," and I left and went away from there, and after I left there I went to see my son—they were putting up a new transformer house, and he took me around and showed it to me. And when I left my boy, I think this man's name was Rennels, and he went to my boy and inquired all about me, but at that time I thought this Rennels was a perfect gentleman, he was a nice fellow. I met him several times after that.

Commissioner O'CONNELL. Did you leave the mine before the strike occurred?

Mr. YOUNG. Yes; I hadn't been in the mine for a year before the strike.

Commissioner O'CONNELL. Why did you leave the mine?

Mr. YOUNG. Why, sir; I got knocked out, as the saying is. I got in a place where the air was pretty foul, and I could not stand it. I was getting a little up in years at the time.

Commissioner O'CONNELL. Did you leave of your own accord?

Mr. YOUNG. Yes, sir.

Commissioner O'CONNELL. You were not dismissed from the mine?

Mr. YOUNG. Oh, no; I never was dismissed in my life.

Commissioner O'CONNELL. You figured your health was affected by working in the mine?

Mr. YOUNG. Yes; to be honest about it, I have worked in some very foul air in my time in the mines. I have been in the mines for over 40 years.

Commissioner O'CONNELL. How did the condition of the mines in Colorado compare with the conditions under which you worked in Ohio in the mines?

Mr. YOUNG. Well, sir, the last mining work I did in Colorado here, the conditions have been improving and improving right along. The system—you can take the mines in Colorado—as a rule in these mines that I have been at, there is a pitch of anywhere from 6 to 10 per cent—the coal pitches. You take it back in western Pennsylvania and eastern Ohio, where I came from, the coal lies practically blanket, and it makes the mine more easy—that is, for producing coal there than it is in Colorado.

Commissioner O'CONNELL. Did you ever meet with an accident in the mine, yourself?

Mr. YOUNG. Why, yes; one time I was hit by a piece of rock; didn't hurt me much; no bones broken.

Commissioner O'CONNELL. You have not joined the union at all in its organization this last time in the mines?

Mr. YOUNG. No, I never did; no. In fact, ever since I have been in Colorado I haven't been doing very much digging of coal in Colorado. I was always in positions, practically; in positions of contract work.

Commissioner O'CONNELL. Contracting around the mines?

Mr. YOUNG. Yes; contracting in the mines.

Commissioner O'CONNELL. Are the miners usually allowed to take such periodicals and such papers and magazines as they please around the mines? Is any question raised?

Mr. YOUNG. I never was stopped from taking anything in my house around the mines. They don't, as a rule, have any reading rooms around the mine that I know of.

Chairman WALSH. Any what?

Commissioner O'CONNELL. Any reading rooms. Mr. Young, speak louder.

Mr. YOUNG. I understand before the strike they had a reading room, but I had left the town at that time. I lived in the town of Walsenburg—I left there in October.

Commissioner O'CONNELL. Was there any systematic method, that you know of, of examining the mail coming into Walsenburg to the miners, to ascertain what papers might be coming to them, and what literature they might be receiving?

Mr. YOUNG. I don't know any thing about that.

Commissioner O'CONNELL. What do you know about politics in your county there?

Mr. YOUNG. Huh.

Commissioner O'CONNELL. Have you been a politician?

Mr. YOUNG. How is that?

Commissioner O'CONNELL. Have you been a politician, so called?

Mr. YOUNG. Not very strong. I ran for the office of county commissioner in Huerfano Kingdom—Huerfano County, excuse me.

Commissioner O'CONNELL. What was the result of your experience?

Mr. YOUNG. Why, they claimed I was beat by 90.

Commissioner O'CONNELL. They claim you were?

Mr. YOUNG. Yes.

Commissioner O'CONNELL. What do you claim?

Mr. YOUNG. I claim I was elected by 697 votes.

Chairman WALSH. Say! You will have to restrain your enthusiasm. That gentleman that started applauding there must not do that.

Commissioner O'CONNELL. Just state to the commission, then, where there is this difference of opinion.

Mr. YOUNG. Well, I never was in politics until this last fall—this last summer. Some of my friends in Huerfano County wanted me to run for county commissioner, the third commission district in the county. In the first place I used to belong to what they call the gang.

Commissioner O'CONNELL. The gang?

Mr. YOUNG. They have a gang down there, you know.

Commissioner O'CONNELL. Right there——

Chairman WALSH. One minute. Ladies and gentlemen, we must have perfect order. Please restrain your feelings.

Commissioner O'CONNELL. Now, will you just explain, before we get away from it, what the gang is?

Mr. YOUNG. It is the Republican Party, they claim. Now——

Commissioner O'CONNELL. That means you are not a Republican?

Mr. YOUNG. No; I want this commission to understand that I have voted the Republican ticket for 31 years in this country. I am a Republican, glad to say. But that kind of republicanism got so rotten down there that it did not suit me this last four years. And when they found out that I had went over to the other side, as they say, they began to hand it to me, and they were doing very strong.

But to get back to this last fall election. At the assembly I got the nomination by acclamation of both the Progressive ticket and Democratic ticket for commissioner of that district. And I made the campaign in the county pretty much all over, and there was some talk of not getting into any of the C. F. & I. coal camps. I am very well acquainted with pretty much all the superintendents and pit bosses that the C. F. & I. has got, with a few exceptions; also a good many of the mine clerks and storemen.

And I started out for to find out, to take a canvass or poll of these closed precincts, as they called them. I took a friend of mine, a Mexican by the name of Gonzales to talk Mexican to the Mexicans down there. The first camp we went to was Cameron, and we had worked that, made a house to house canvass, and found ourselves about dinner time; we ran across the superintendent, Mr. Kelzer, and I told him what I was doing. And we were friendly enough, and he said, "All right, Bob; go ahead." And we left then and went to Ravenwood, the American Fuel Co. camp. I knew the superintendent over there and knew the mine clerk and knew the marshal and all such people as that, also the store manager, and we started in to take the poll of that precinct at this—the Ravenwood—precinct. We was halfway through when Joe Watson, the camp marshal, and one of the civil engineers asked us what we were doing. I said, "We ain't doing anything wrong." I says, "We are just going around and taking the names of the legal voters that are in this precinct. That is all." And it was very hard to get at. There were seven or eight classes of people to contend with, and it was very hard to get at, to get how long they had been there, etc.

Commissioner O'CONNELL. Coming to the point, did they stop you finally?

Mr. YOUNG. No. But, as I am saying to you, these people thought well of me; they would say, "Bob, we like you all right," and all that, but they would say, "Look at the bunch you are with." So the commission will understand they were not men—I was the only man that was on the ticket that was ever connected with mining, and they would refer to the bunch I was with on that ticket and intimate that they were red necks. I have been called a red neck. The people that was with me were called red necks; they are under the dictates of Jeff Farr and that gang, and they would say that I was a red neck, and worse than that. I had nothing to do with this strike, no trouble, and there wasn't a man on that ticket along with me had anything to do with it, to my knowledge.

Commissioner O'CONNELL. Were you a resident in the district for which you ran as commissioner?

Mr. YOUNG. I don't know. They claim not. We have a contest there now up to the supreme court, at an early date, and I think that will be taken care of very well without lawyers.

Commissioner O'CONNELL. Will you explain to the commission as briefly as you can why you think you were elected by several hundred votes, and how you were counted out by a number of votes?

Mr. YOUNG. Well, the commission will understand, you take these precincts, take the nine closed precincts, we call them now, two years ago that county was sifted with a fine-tooth comb for votes for district judge, clerk for the district judge, and it was very thoroughly worked over. I worked for the district court at the election, and at that time all these same precincts, when everything was normal—there were 619 votes polled in them before there was any of this disturbance at all.

At this last election, in those nine, when there had been all this trouble, and these people had moved out, they polled 910 votes. I believe I got the strongest vote in those nine precincts, and my vote in the nine precincts was 75 or

76 votes. There was one of these precincts in which I did not get a vote. That was in the Ravenwood precinct.

Commissioner O'CONNELL. How do you account for that?

Mr. YOUNG. Well, sir, the people that are inside of these precincts was predominated over by the officers—I don't say the heads of these corporations, but the "little fellow."

Commissioner O'CONNELL. Who controls the political situation in your county?

Mr. YOUNG. Jeff Farr, absolutely, and the C. F. & I., and the Victor Fuel Co., and the Union Coal & Coke Co. officials—they will do anything that Jeff Farr tell them for to do, for the protection that he gives them in their mining ventures.

Commissioner O'CONNELL. Who selects these inspectors of election that counts these votes after they come in, and takes care of them while they are coming in?

Mr. YOUNG. You mean the official?

Commissioner O'CONNELL. Yes.

Mr. YOUNG. The men who has charge of the election board?

Commissioner O'CONNELL. Yes; the men who have charge of the election during the day?

Mr. YOUNG. That is in the precincts, you mean?

Commissioner O'CONNELL. Yes.

Mr. YOUNG. Now, I was at Cameron precinct this last election as a watcher. I went over there the morning of the election, found out where the election was held, and about 7 o'clock I went around there, and a fellow came around there that I knew he was going to be one of that board; I didn't know him, but he came around with some election literature under his arm—books—and went in and put them down, and I says to him, "Mister," I says, "where is your poll book?" He says, "I don't see that it is any of your damned business." I says, "Now, my friend, it is a little bit too early in the morning for me to get into any chewing match, but I want to see that poll book."

Commissioner O'CONNELL. A little early for what?

Mr. YOUNG. A little too early to get into a chewing match with him—rag chewing. I brought it up that way as a joke. And I put my hand in my pocket and showed him my credentials, and I was a member of the Progressive Party, but I had the credentials of the Democratic Party, and I pulled it out and showed it to him. He said: "If you had showed me that in the first place, maybe there wouldn't have been nothing to this."

Commissioner O'CONNELL. Now, who appointed this man as one of the election commissioners?

Mr. YOUNG. I don't know.

Commissioner O'CONNELL. Don't you know as a resident there and as a man running for office, and so on, by what method these inspectors or this election board was selected, appointed, or elected? What method—who authorizes them to act?

Mr. YOUNG. Now, to explain that, the chairman of the Democratic Party sent in so many names to the commissioners, I think. And that county has been so strong Republican for so long that they allowed one Democrat to sit on that board of election with two Republicans.

Commissioner O'CONNELL. Then, who selected them—the parties?

Mr. YOUNG. The chairman of the Democratic Party sent in that name, and if there were two names, why, the commissioners would designate which of them names—

Commissioner O'CONNELL. (Interrupting). Which one should act?

Mr. YOUNG. Yes.

Commissioner O'CONNELL. Then the election board was selected by the commissioners?

Mr. YOUNG. Well, but I will let you understand, Mr. Commissioner, that we didn't get any names out of those closed camps, because we couldn't get in to get any names; so, consequently, the people in those camps made up an election board to suit themselves.

Commissioner O'CONNELL. Made up an election board to suit themselves?

Mr. YOUNG. Yes.

Commissioner O'CONNELL. And were they recognized then by the commissioners as having the right to hold the election there?

Mr. YOUNG. Well, now, I don't know. The Cameron precinct, there was the office clerk—he was one of the clerks of election; and then a fellow by the name of Leppert, a young fellow, I don't know whether he worked in the store

or not. But that was the two clerks—Leppert, and, I believe, it was Roberts. And then Skinner was the store manager, and a man by the name of Campbell, and the barn boss—the man that takes care of the mules, a man by the name of—oh, I forgot his name—Custer. These were the five men that were in there. And I might state further that in the morning before that election, why, there was supposed to be three keys to each of these ballot boxes, and this man Custer—this man Campbell had a key; Custer was supposed to have a key, and Skinner. When it came down to the getting of the keys, why Campbell was the only man that had a key and Custer, he finally dug around and went down home and found his key. Mr. Skinner, he said that he had lost his key along with a bunch of the store keys; but before he came in with that to me, he had to consult Charley Keizer, the superintendent, about the loss of those keys and how to explain the loss of those keys to me; and he told me about losing the key along with 11 to the locks that belonged to the store. Well, I says, "Skinner, that store is liable to be robbed if"—

Commissioner O'CONNELL. What was the result of that election? How many votes did you get?

Mr. YOUNG. Myself, personally?

Commissioner O'CONNELL. Yes.

Mr. YOUNG. I got eight.

Commissioner O'CONNELL. Out of how many?

Mr. YOUNG. About 60.

Commissioner O'CONNELL. Do you think you got all the votes cast for you in that precinct?

Mr. YOUNG. Oh, yes; I seen the vote counted.

Commissioner O'CONNELL. Do you know of any method used to influence votes, for instance, the use of money in elections?

Mr. YOUNG. I do; yes.

Commissioner O'CONNELL. Just state to the commission what you know about the use of money and the like of that.

Mr. YOUNG. Well, sir; all the time that I was pit boss in any of those places, I had a standing contract for \$35 for every election.

Commissioner O'CONNELL. Standing contract?

Mr. YOUNG. Yes; when the election came around I just got \$35.

Commissioner O'CONNELL. Whom did you get it from?

Mr. YOUNG. Well, I got it by several parties.

Commissioner O'CONNELL. Just explain how you got \$35.

Mr. YOUNG. Well, sir; I was down there, foreman at the Midway mine, six years ago this last fall, and Charley Beuchat gave Mr. Gordon, he was superintendent, \$70, and we split. Beuchat is general superintendent for the Union Coal & Coke Co.

Commissioner O'CONNELL. And who got the \$70?

Mr. YOUNG. William Gordon.

Commissioner O'CONNELL. And William Gordon gave you \$35 out of the \$70.

Mr. YOUNG. Yes, sir.

Commissioner O'CONNELL. What were you supposed to do with that money?

Mr. YOUNG. To blow it on the booze so Jeff could get his proportionate share of it.

Commissioner O'CONNELL. So who could get his share of it?

Mr. YOUNG. So Jeff Farr could get that—some of that back; blow it for booze down there.

Commissioner O'CONNELL. What were the instructions usually given out if you went around spending this money in Mr. Farr's places? What would you tell the people you would spend the money with?

Mr. YOUNG. Vote for the gang; go down the line for the gang.

Commissioner O'CONNELL. The money was supposed to be spent to encourage the citizens to vote for the gang, and the gang was who?

Mr. YOUNG. Jeff Farr; he is the king. He is the king of that outfit—absolutely.

Commissioner O'CONNELL. Well, supposing—did it ever occur that the election did not go just the way Mr. Farr and others wanted it to go there?

Mr. YOUNG. Well, sir, I can tell you a good joke that this Charley Beuchat told me when I was there during the time of this campaign, the time that Henry Wolcott ran for governor against Charley Thomas. The Victor-American Fuel Co., they were working for Thomas. D. M. Simpson was the chief engineer for the Victor-American at that time, and he was going down the line for Charley Thomas for governor. The Union Coal & Coke Co. done the same

thing; and while I was making this campaign I stayed all night with Charley Beuchat down at Pryor, and we got to joking about one thing and another, and finally the upshot of it was that the Union Coal & Coke Co. went down the line for Charley Thomas, and Jeff Farr took the precinct away; the next year there was no precinct there. Well, I says, "Charley, your precinct is gone to the dogs; and if Jeff ever knew I was sitting here," I says, "farewell to Pryor precinct."

Commissioner O'CONNELL. That is, the method on punishment, where the precinct did not vote the way Farr thought it ought to was to discontinue it?

Mr. YOUNG. Yes. Two days after the election I went to Charlie and I said, "There is no danger, Charlie, of your losing your precinct this time." And he said, "Why?" And I said, "I got only three votes."

Commissioner O'CONNELL. Were there many men that received \$35, as you did, during election time?

Mr. YOUNG. There was always a few dollars to be had around about election time.

Commissioner O'CONNELL. Was you ever checked up to know whether or not you spent the \$35 in the distribution of booze, as you put it?

Mr. YOUNG. No, sir; my honesty was never questioned in that particular.

Commissioner O'CONNELL. Do you know anything about the Seventh Street shooting there?

Mr. YOUNG. Yes.

Commissioner O'CONNELL. State to the commission what you know about it.

Mr. YOUNG. Well, now, to begin with, I believe I seen the——

Commissioner O'CONNELL. Please tell us as briefly as you can.

Mr. YOUNG. I don't remember the date that thing took place, but it was a nice day, and I and two other old cronies of mine were laying on the courthouse lawn passing an opinion about one thing and another, and directly there was three wagons passed, with four men in each wagon with rifles, and I think six horses with men on them with rifles. They came past the courthouse going east, a block below the C. & A. station, and I said to these friends of mine, "Here is where the war starts, boys." One said to me, "Dave Miller is killed, and let's go see what's going to happen. And I said, "Not me, I am fine where I am at." They turned and went around to the station to get some freight, and they came back down the street, running parallel with Main Street, a block, and comes out on Main Street, and there was an awful commotion in town with a lot of people, and I looked down—well, in fact, where I was laying I could look down Main Street. Jeff and a half dozen of his henchmen were standing on the veranda above the door of the courthouse, and Johnnie Wright, under sheriff, comes down and looks down the street, and Jeff hollers down to Johnnie and says, "What is going on down there?" And I didn't catch the words Wright said back to Jeff, but Jeff hollered back to Johnnie, "They had better not interfere with those boys," and right there I took a chill, because I knew what was going to happen.

I looked down and the procession started up Seventh Street, and the next thing I knew—I never moved from there, but I seen some people looking up the railroad track from the corner of the livery barn, and I said to Dave Miller there must have something happened, and I got up on my haunches and I saw 15 men coming back with rifles on a dog trot after that massacre; I considered it nothing but a massacre. If those men were justified in shooting, why did they run back and go into the courthouse?

Commissioner O'CONNELL. Was that what you call the battle of Walsenburg?

Mr. YOUNG. I don't know whether it was a battle or not. I didn't see any more than I have told about. I saw them going and coming.

Commissioner O'CONNELL. Did you have any other experience there during any other shooting or killing?

Mr. YOUNG. Well, sir, I will tell you what I did see one morning, the time that battle was raging that occurred on the hogback about 6 o'clock.

Commissioner O'CONNELL. What do you mean by hogback?

Mr. YOUNG. Where this militia and the miners were supposed to have this battle.

Commissioner LENNON. A hogback is a low hill, foothills, isn't it?

Mr. YOUNG. No, sir; a ridge like that [indicating]. This morning—I think it was the 28th of February, if I remember right—but, anyhow, my brother-in-law was there, and they were shooting all right, and the street I lived on runs parallel with the hogback—I judge between 500 and 700 yards from the hogback, this street running parallel with it. And my brother-in-law comes in and says:

"Bob, come out here and you will see Potts and Miller, two of Chief Farr's gunmen." The men were scattered up and down, and they were laying there, and I watched them, and they had white handkerchiefs around their arms, and they were laying there shooting toward the hogback, which brought the fire down past where we lived. Several houses—one the second house next to me—several shots went through them and several other houses around in that neighborhood. Those were the only men I saw with guns during that battle besides the men that went away in the wagon.

Commissioner O'CONNELL. How many saloons are there in Walsenburg?

Mr. YOUNG. I could not tell—22 or 23, I guess.

Commissioner O'CONNELL. Does Farr run saloons besides his wholesale business?

Mr. YOUNG. Well, now, I don't think Farr has any houses in his own name, but he predominates—if the commission will let me explain that——

Commissioner O'CONNELL. Go ahead.

Mr. YOUNG. I heard Jeff testify up here the other day about licenses. I own a saloon building in Huerfano County, unfortunately.

Commissioner O'CONNELL. You own a saloon building?

Mr. YOUNG. Yes, sir; I am sorry to say it, but eight years ago I thought I could make a saloon man out of myself, and I built me a saloon out at Maitland, or just over the line of the school land. I own 8 acres and that saloon and a little house, and I ran the saloon two months and found I was not cut out for a saloon man, and I sold the business to—I don't know his name now. But, anyhow, Jeff—the Spanish Peaks Liquor Co. had not been organized at this time, and shortly after that the Spanish Peaks Mercantile Co. was organized, and Jeff came after me for a lease on that building. I gave Jeff Farr a lease on that building for five years in his own personal name, and he put a fellow in there, and he re-leased that place to this fellow, between me and him, you understand, and I seen that lease. It was a lease to a man by the name of Charles Cista, and that man could not buy a box of cigarettes only through the Spanish Peaks Mercantile Co. Now, I didn't know this until the lease expired that this poor fellow was getting held up in that way. I took the lease away from Jeff Farr.

Two years ago Jeff Farr buys two lots over on the other side of the road. It is on the main county road where I have this building. Jeff Farr bought two lots, and they are on record in the county courthouse in Walsenburg. He bought them to put up a saloon building and told Charles Cista, the man who is in my building to-day, that he is going to build a saloon there and wanted him to move over there, and told him there would be no more licenses for that house of Bob Young; that he was going to put him out of commission.

Jeff Farr don't do these things himself. He does them through the other fellow. I will explain that to you. John S. Gardner, who is manager for the Spanish Peaks Mercantile Co.—John S. Gardner and William Rena, of the Rena Detective Agency, who is the detective for the C. F. & I.—that is where Rena makes his headquarters, and he is one of the organizers of the Spanish Peaks whisky trust, or whatever you call it. And it is through John S. Gardner that these things are done. Jeff Farr tells him to.

Commissioner O'CONNELL. Did he build a saloon opposite your place?

Mr. YOUNG. He did not.

Commissioner O'CONNELL. Is your place still in operation?

Mr. YOUNG. No, sir; it has been closed up since the beginning of this year.

Commissioner O'CONNELL. Who closed it? Did you close it voluntarily?

Mr. YOUNG. The militia did not close it up at that time, but they would not issue any more licenses, and the militia closed up all the saloons. I don't know just what date of the year it was.

Commissioner O'CONNELL. Were they all closed?

Mr. YOUNG. No, sir; they were not. The other saloons in the county outside of the town, they were supposed to run until their licenses were out, but saloons ran open in Huerfano County without a license until the militia closed them up.

Chairman WALSH. Commissioner Ballard would like to ask you some questions.

Commissioner BALLARD. You say you were a coal miner in Ohio?

Mr. YOUNG. Yes, sir.

Commissioner BALLARD. Did you work as a miner or mine foreman?

Mr. YOUNG. Both as a miner and mine foreman.

Commissioner BALLARD. Did you work in this State as a mine foreman also?

Mr. YOUNG. Yes, sir.

Commissioner BALLARD. And where you worked under the United Mine Workers of America and in this State under nonunion conditions, is there any material difference in the way the men were treated or liked their work?

Mr. YOUNG. Well, to put it this way: You take in Ohio, under union conditions; you know the men the mine foremen has the most to do with is company men, like timbermen, drivers, and such as that. Now, back in Ohio we had a mine committee there, and I am very proud to say right here I never had a word with the committee. In fact I never had any need for a committee. If I had a driver or track layer or timberman who was not doing his duty as I thought, I would go and talk to that man and tell him what was going to happen to him if he didn't do what I told him to. If he didn't do it, I would tell him, "When you quit work to-day you bring your tools out, and to-morrow you start in room so-and-so." I didn't prosecute a man and stop him from eating. The more coal a man dug, the more he made. In the first place, I never had anybody get fired back there.

In Colorado it is a different state of affairs; you get canned or fired, and I didn't understand that when I came out here. I would meet a man and ask him why he was not working, and he would say, "I got fired." And it is a phrase to this day about men getting fired.

The way I think these things ought to be done, if a man don't suit me in one place, try him in another; don't stop his meal ticket. That is where I consider a lot of this turmoil and dissatisfaction and everything else has turned out.

Commissioner BALLARD. You think if the mines in Colorado were unionized the conditions in Colorado would be better?

Mr. YOUNG. I don't believe in compelling a man to belong to a union, but one thing I do believe, and that is that the mining conditions that the miner has got in Colorado to-day is due to organized labor. I ain't scared to say it, that the conditions the miner has got in Colorado to-day is due to organization—due to the organization. I don't say whether it is the United Mine Workers of America or any other organization, but it is due to organized labor, the conditions that are here.

Commissioner BALLARD. You mean that the mine owners or operators have got good conditions here because they thought the organization of miners would come if they did not have?

Mr. YOUNG. Yes, sir.

Commissioner BALLARD. That is all.

Commissioner WEINSTOCK. One question, please.

Chairman WALSH. Mrs. Harriman has a question she would like to ask.

Commissioner HARRIMAN. Do you know, Mr. Young, if there is what is called a blacklist system in these camps?

Mr. YOUNG. Years ago there was.

Commissioner HARRIMAN. What about to-day?

Mr. YOUNG. I don't know.

Commissioner HARRIMAN. How do they work that blacklist system?

Mr. YOUNG. There was generally a list sent around of undesirable names.

Commissioner HARRIMAN. A list of them?

Mr. YOUNG. Yes.

Commissioner HARRIMAN. What were the men blacklisted for? Why were they considered undesirable?

Mr. YOUNG. As a rule, they were union men. A good many of the men blacklisted were union men.

Commissioner HARRIMAN. Would a man be blacklisted for objecting to the weighing of coal reported by the checkweighman?

Mr. YOUNG. No, sir; I don't think so.

Chairman WALSH. Commissioner Weinstock will ask you some questions.

Commissioner WEINSTOCK. In how many States have you worked as a miner?

Mr. YOUNG. I have worked in Pennsylvania, Ohio, Indiana, Illinois, Iowa, and Colorado, and, in the next place, I was in the mines from the time I was 10 years old. When I came to this country I was between 17 and 18.

Commissioner WEINSTOCK. Have you worked in all these various States at your trade?

Mr. YOUNG. Yes sir.

Commissioner WEINSTOCK. Having worked in all these States at your trade, I take it you are pretty familiar with the wages and the working conditions in these various States?

Mr. Young. Yes.

Commissioner WEINSTOCK. How do the wages in Colorado compare with the wages in the other States in which you have worked?

Mr. Young. Well, sir, you take it in Ohio, where I done the most of my coal digging, why, I drove entry considerable there, and at that kind of work I could make anywhere from \$3.50 to \$5 a day. That was 18 years ago or 20 years ago.

Commissioner WEINSTOCK. Are you familiar with the current wages and the current earnings of miners in all of these various States for the past two or three years?

Mr. Young. I will say, right here in Colorado, that the wages to-day in the Walsenburg district that I am familiar with—I would be safe enough in saying that a dollar a day difference with the average miner—there is that difference from 17 years ago.

Commissioner WEINSTOCK. That is not answering my question, Mr. Young.

Mr. Young. I didn't get it.

Commissioner WEINSTOCK. My question was, are you familiar with the current rates of wages paid in these different States, including Colorado, in the last two or three years?

Mr. Young. No, sir; I am not. I have not been back there.

Commissioner WEINSTOCK. To the best of your knowledge and belief, what are the average daily earnings of the average miner in Colorado the last two or three years?

Mr. Young. Well, sir, there are various classes of men, and there used to be only one class. You take the machine runner and his helper; they generally cut by the ton; and you take the pick miner, and he digs coal by the ton with a pick. Then you take the shooter and loader that shoots the coal down after it is cut with the machine; that is another class. And then the class that have the coal shot down for them, and they load it themselves; there are about four classes of men.

Commissioner WEINSTOCK. The operators, while on the stand, testified and gave facts and figures here to the effect that the average earnings of the average miner in Colorado was about \$4 a day. Have you any reason to dispute that statement?

Mr. Young. I have not. I believe that is a fair average for a miner; that is, a pick miner.

Commissioner WEINSTOCK. How does that pay compare, so far as you know, with the average earnings of miners in other States?

Mr. Young. I don't know, Mr. Weinstock.

Commissioner WEINSTOCK. Do you think it is higher or lower?

Mr. Young. Well, that is for a miner?

Commissioner WEINSTOCK. Yes.

Mr. Young. No; I would not say it was any higher, and I will tell you why. The same coal I used to dig in western Pennsylvania and eastern Ohio I was paid from \$1 to \$1.10 a ton for it; and I dug the same coal for 60 cents, and I made \$3 a day at 60 cents.

Commissioner WEINSTOCK. Are the miners in Colorado paid so much per day, in the nature of a wage, or would it be in the nature of contract work—so much per ton?

Mr. Young. To the best of my knowledge, it is.

Commissioner WEINSTOCK. Practically piecework, is it?

Mr. Young. Yes.

Commissioner WEINSTOCK. Therefore, if a man gets all that he earns, the more efficient he becomes the more money he will earn than the poorer worker?

Mr. Young. Yes.

Commissioner WEINSTOCK. It is a question of individual merit?

Mr. Young. Yes, sir. I would like to explain something—where I think a lot of this dissatisfaction comes from. For an illustration, you are a man who has been raised in the mines; that is your trade; that is your business. You are working in an entry, in a room of this entry, and I come along from southern Europe. I never saw a mine in my life before, while you have spent your life in that mine. You are working there, and that is all piecework, and I will come along and they will give me a job in the room next to you; and the driver who hauls the coal comes along and hollers into your room, "Here is car so-and-so; you come and get this," and this other fellow working next to you, he comes along and he hollers to this fellow, "Here is car so-and-so," and I am put on the same footing with you, who has made a life study out of this; and that is

where the trouble and a lot of this dissatisfaction comes from, and I consider that is what has driven the English miner out of the mines in this State.

Commissioner WEINSTOCK. A query at this point, Mr. Young: Are we to understand that the foreigner who can not perhaps speak the English language and who has had no experience in a mine, who has never before seen a mine, as you say, can go down in a mine and be as productive as an old and experienced miner?

Mr. Young. Well, Mr. Weinstock—

Commissioner WEINSTOCK. Please answer that question.

Mr. Young. I am going to put it this way: As a rule, two men work in these rooms, and the probabilities are that this foreigner has a friend, and this friend goes in there along with him.

Commissioner WEINSTOCK. You have not answered my question.

Mr. Young. As a rule, they don't work singly.

Commissioner WEINSTOCK. Whether they work singly or double, the point I want to get at is this: Evidently I have not made myself clear to you. Can I, as an untrained and inexperienced man, who has never before seen a mine, go down into a mine and speedily produce just as much as you who have been reared as a miner?

Mr. Young. No, sir.

Commissioner WEINSTOCK. I can not?

Mr. Young. No, sir.

Commissioner WEINSTOCK. Therefore, the skilled miner, the experienced and trained miner can produce more than the untrained and inexperienced miner?

Mr. Young. Provided he gets an opportunity to do it.

Commissioner WEINSTOCK. All other things being equal?

Mr. Young. Yes.

Commissioner WEINSTOCK. The trained miner can produce more than the untrained miner?

Mr. Young. Oh, yes; without a doubt.

Commissioner WEINSTOCK. In answer to questions put to you by Mrs. Harriman, you gave as your answers, that men were blacklisted in the mines if they were unionists, while the testimony that has come before this commission indicates that at least 12 per cent of the miners were unionists at the time of the strike. Now, how comes it that the operators permitted as many as 12 per cent of their men to be unionists and still permitted them in their employ if it was the policy of the mine owners not to employ union men?

Mr. Young. I don't think there was 2 per cent in the Walsenburg district of union men two weeks before the strike. To make myself clear, I think they brought these intimidators, as I call them—these gunmen—I can cite you to the Big Four mine in the Walsenburg district owned by Peltier & Nesbit; for a week before the strike took place there was not a man in it because of men with rifles being there. That is what caused the men to join the union.

Another thing, at the Walsenburg mine, I have heard it told many times by the men that worked up there, that the week before it started—the week before the strike—there were men at the pit mouth with rifles when the men went down in the morning and came out again at night—a week before the strike.

Commissioner WEINSTOCK. Are we to understand from the statement you have just made that this alleged 12 per cent of union men became union men only a week or two before the strike?

Mr. Young. Yes, sir.

Commissioner WEINSTOCK. And that prior to that there had been practically no union men employed?

Mr. Young. None.

Commissioner WEINSTOCK. And that the reason why the men in the mines did not join the union was because of the gunmen that were employed by the operators?

Mr. Young. Well, I would not say it in that way, Mr. Weinstock. They had plenty of time to belong to this union, but if there were gunmen there—

Commissioner WEINSTOCK. Yes.

Mr. Young. If they would have felt themselves safe in belonging to the union, but, as I stated at the start, no union man could light in any of these camps in Huerfano County. If he did it was unknown to them.

Commissioner WEINSTOCK. Well, if the men were afraid to join the union for fear of losing their jobs, why did they join the union the last week or two, knowing that that meant the loss of their jobs?

Mr. Young. This strike was coming. Anybody that was in this field or this State could see this thing coming. We did not need the convention in Trinidad

to call the strike; they could have called it through the daily papers and the men would have struck.

Commissioner WEINSTOCK. It was a secret, and everybody knew the secret?

Mr. YOUNG. Not that, but they were prepared to do anything.

Commissioner WEINSTOCK. In other words, it was an open secret that the strike was going to take place?

Mr. YOUNG. Yes, sir.

Commissioner WEINSTOCK. And was it the fact that this was an open secret that led the operators to employ these so-called gunmen?

Mr. YOUNG. Absolutely.

Commissioner WEINSTOCK. That is the reason why they employed them?

Mr. YOUNG. Yes, sir.

Commissioner WEINSTOCK. Did they employ them because the operators anticipated that the strike meant violence?

Mr. YOUNG. Well, I will tell you. In the first place, 10 years ago, they brow-beat—beat up everybody——

Commissioner WEINSTOCK (interrupting). You say "they." Tell us who you mean.

Mr. YOUNG. Jeff; and I considered Jeff a portion of the C. F. & I.

Commissioner WEINSTOCK. Who is Jeff?

Mr. YOUNG. Farr.

Commissioner WEINSTOCK. Who is Farr?

Mr. YOUNG. The king of Huerfano County.

Commissioner WEINSTOCK. Who is the king?

Mr. YOUNG. The sheriff.

Commissioner WEINSTOCK. Just repeat that; I didn't quite fully understand what you said.

Mr. YOUNG. Please have the reporter repeat that.

The REPORTER (reading):

"Commissioner WEINSTOCK. You say 'they.' Tell us who you mean.

"Mr. YOUNG. Jeff; and I considered Jeff a portion of the C. F. & I.

"Commissioner WEINSTOCK. Who is Jeff?

"Mr. YOUNG. Farr.

"Commissioner WEINSTOCK. Who is Farr?

"Mr. YOUNG. The king of Huerfano County.

"Commissioner WEINSTOCK. Who is the king?

"Mr. YOUNG. The sheriff."

Mr. YOUNG. At that time you know there were not so many men in Huerfano County as there are to-day, and they handled them all right. I had charge of the mine at that time, and they handled them all right. The men that were in the field this time knew that they were going to be handled the same way, and they preceded it with this intimidation, and the way that they started to intimidate these people.

Commissioner WEINSTOCK. In place of saying "they," be good enough to use the names, so we will know who you mean by "they."

Mr. YOUNG. These gunmen; Jeff's gunmen.

Commissioner WEINSTOCK. You mean deputy sheriffs.

Mr. YOUNG. I don't know what they are. I guess they have deputy papers. I don't know; but they were there with their guns.

Commissioner WEINSTOCK. And you believe they were there with their guns because the mine operators anticipated violence on the part of the strikers?

Mr. YOUNG. Well, I couldn't say that, Mr. Weinstock.

Commissioner WEINSTOCK. Well, if they didn't anticipate any violence on the part of the strikers, what need to have men with guns?

Mr. YOUNG. Well, when they ran across you if you didn't look good to them they would hit you across the head with it. There was lots of that stuff done.

Commissioner WEINSTOCK. When you say, "I didn't look good to them," what do you mean by that?

Mr. YOUNG. What didn't look good, Mr. Weinstock?

Commissioner WEINSTOCK. You said, Mr. Young, that if I didn't look good to them they would hit me across the head with a gun. What do you mean? Just explain what you mean by not looking good to them.

Mr. YOUNG. If they thought you were a union man.

Commissioner WEINSTOCK. I see.

Mr. YOUNG. Or if they even thought you felt that way, it wouldn't make any difference. The day before this war started in Walsenburg I was looking for to get my poor old head worked over several times, because I didn't look right.

Commissioner WEINSTOCK. That is all.

Chairman WALSH. Commissioner Ballard would like to ask you a question or two.

Commissioner BALLARD. You spoke of the men going out on strike. Was there any real underlying cause of dissatisfaction in the mines; were the workmen feeling they were badly treated, or what was the trouble?

Mr. YOUNG. Well, now, I'll tell you. You take the Robinson mine while I was there. There were some of the officials there pretty fine fellows, and there were some of them not so fine. I lay a good deal of the dissatisfaction and the hard feeling in this trouble down there to the men that were handling the men under them. They did not treat them right. They did not talk to them right. If a man, a foreigner, would get to talking a little bit of English—hadn't done the right thing—the mine foreman or the superintendent would curse him and abuse him. Consequently there was a great deal of hatred between the two. See?

Commissioner BALLARD. That is all.

Chairman WALSH. Thank you. You will be excused.

Mr. E. L. Doyle.

TESTIMONY OF MR. EDWARD L. DOYLE.

Chairman WALSH. Please state your name to the commission.

Mr. DOYLE. Edward L. Doyle.

Chairman WALSH. Where do you reside?

Mr. DOYLE. 760 South Pennsylvania Street, Denver.

Chairman WALSH. What is your age?

Mr. DOYLE. Twenty-eight.

Chairman WALSH. How long have you resided in Denver?

Mr. DOYLE. Since February last. I have roomed in Denver up to that time. I got married in January and have made my home in Denver since.

Chairman WALSH. How long have you been in Denver since?

Mr. DOYLE. I have been working in Denver since April 1, 1912.

Chairman WALSH. Prior to that time, where were you?

Mr. DOYLE. Lafayette, Colo.

Chairman WALSH. Prior to that, where were you?

Mr. DOYLE. Spring Valley, Ill.

Chairman WALSH. How long have you been in Colorado altogether?

Mr. DOYLE. Since September 10, 1907.

Chairman WALSH. You are a native of what place?

Mr. DOYLE. Illinois.

Chairman WALSH. I wish you would sketch, as briefly as you can, what you have done in the way of work, labor, all your life, beginning at the first, but of course not confining it to the particular jobs, but the localities and the character of your employment?

Mr. DOYLE. I commenced work at the age of 12 in the mines of Illinois, in Spring Valley, Ill.

Chairman WALSH. In what capacity?

Mr. DOYLE. As trapper boy.

Chairman WALSH. And what does a trapper boy have to do?

Mr. DOYLE. He tends to the trapdoors. The current of air in a mine is controlled by doors, and also by canvas curtains; where the current is too strong, they use a door, and the trapper boys attend to those doors and permit the teams of coal to go through and act really as flagmen for drivers, etc.

Chairman WALSH. Underground?

Mr. DOYLE. Underground; yes, sir.

Chairman WALSH. How long did you work at that?

Mr. DOYLE. I should judge I worked at that—oh, about two years, when I was put on spragging.

Chairman WALSH. Do your parents live at this place in Illinois?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Was your father engaged in the same industry?

Mr. DOYLE. Yes, sir. My father first went to work in the mines in England when he was 9 years old, came to this country and worked the rest of his life, while he worked, in the mines.

Chairman WALSH. When you were a trapper boy was your father a miner?

Mr. DOYLE. No, sir.

Chairman WALSH. Was he living at that time?

Mr. DOYLE. He was disabled.

Chairman WALSH. Was he disabled in the industry?

Mr. DOYLE. Not exactly in the industry, but because of the hardship surrounding it, he lost his mind.

Chairman WALSH. Now, then, you went to work at the age of 12?

Mr. DOYLE. Yes, sir; 12.

Chairman WALSH. Had you been to school prior to that time?

Mr. DOYLE. Yes, sir; I was in school from 6 to 12.

Chairman WALSH. In the local school at that place?

Mr. DOYLE. Yes; the parochial school there.

Chairman WALSH. Parochial?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Now, then, sketch right along what your employments have been since you were trapper boy.

Mr. DOYLE. After trapping at this place I got to spragging. That is a position that boys of a little more experience than trappers are put to work on. I was put to spragging cars. That is what you call it; you might call it on a railroad, braking. I was spragging the wheels in order to keep them from running too fast, and to handle them, and so forth, from the places to the cage. After that I went to digging coal, mining coal with a brother of mine. First, with another party and then with a brother of mine.

Chairman WALSH. How old were you when you began digging coal?

Mr. DOYLE. I should judge 17. I was only getting a dollar and a quarter a day for spragging. I was very large for my age and wanted to drive a mule—which was paying \$1.75. Not getting it, I thought I could make more money. I believed by working perhaps—not hard—at mining coal on the tonnage basis than spragging, and secured a job of mining.

Chairman WALSH. At the age of 17?

Mr. DOYLE. Yes, sir.

Chairman WALSH. What were your wages mining? What did you earn as a miner when you began?

Mr. DOYLE. Well, I don't remember exactly. I know that the biggest pay as a trapper I got, I could not make in a half month over \$8.75.

Chairman WALSH. And then as a spragger?

Mr. DOYLE. As a spragger I made \$1.25 a day.

Chairman WALSH. And as a miner?

Mr. DOYLE. As a miner we were paid 76 cents a ton, I believe. It was later increased to 82½ cents, if I remember correctly.

Chairman WALSH. Did you stay at Spring Valley all the time until you came to Colorado?

Mr. DOYLE. Yes, sir.

Chairman WALSH. And you worked in the mines in Spring Valley from the age of 12 until what age?

Mr. DOYLE. Well, I worked at the mining until about 18 or 19, when I went to driving a mule. And I practically drove a mule then until—oh, I should judge, a year, perhaps, when I was elected checkweighman by the miners at that mine. And then I drove again after that, after quitting the checkweighman.

Mr. WALSH. How long did you act as checkweighman?

Mr. DOYLE. About a year, if I remember correctly. We were elected every quarter, and I was elected four times.

Chairman WALSH. Proceed, sir.

Mr. DOYLE. Then I drove a mule again for a while and came out to Colorado in September of 1907.

Chairman WALSH. Now, did you belong to any organization in Illinois?

Mr. DOYLE. Yes, sir.

Chairman WALSH. At what time did you join the organization?

Mr. DOYLE. I joined the organization right after I commenced trapping. The organization existed, but all miners were not members there, having been beaten some few years before, and just shortly after I got the job of trapping I joined the organization.

Chairman WALSH. They took in trapper boys?

Mr. DOYLE. Yes, sir; they took everyone in and around the mine, and that included trapper boys, and they treated the boys under the age of 16, after a complaint was made, as half members. I was the committee appointed by the trappers to go to the mine committee of the union and demand that we be considered half members, or that the dues of the men be increased. The dues were

75 cents a month, just the same as the trapper's day's wages, and the dues was 75 cents a month for the men, and I demanded, representing the trappers, that the dues be made \$1.75, a day's wages for the men, or else the trappers be reduced.

Chairman WALSH. Was that done?

Mr. DOYLE. That was done; yes, sir. That is, the trapper's dues was reduced; they did not increase the dues of the men.

Chairman WALSH. What was that organization at Spring Valley, Ill.?

Mr. DOYLE. The United Mine Workers of America.

Chairman WALSH. Before you came to this country, did you hold any official position with the organization?

Mr. DOYLE. I had been a vice president of the local union of which I was a member.

Chairman WALSH. Did you hold any office in the national organization?

Mr. DOYLE. No; I did not.

Chairman WALSH. Have you ever?

Mr. DOYLE. No, sir.

Chairman WALSH. Now, then, just detail what your activities have been since you came to Colorado—what was that date again, please?

Mr. DOYLE. September 10, 1907.

Chairman WALSH. September 10, 1907?

Mr. DOYLE. I came here on the 10th, and I believe I started to work on the 12th of September, that year. I had a brother driving a mule in a mine that had just been opened up, the Vulcan mine at Lafayette. They needed another driver, and that was my reason for going to work so soon. They were short of men at that time. I drove a mule there two weeks and was elected checkweighman at that mine. The men naturally, having known my brother before, and having known through talking to him that I had had previous experience at checkweighman, when they were about to select one, I was chosen, although driving a mule. That is the last work I done underground—that two weeks driving of that mule. I was glad that it was. The driving in this country was not similar to that of driving I had done in the East. I weighed coal there until the 15th of January, 1908.

Chairman WALSH. How long was that altogether?

Mr. DOYLE. From the 1st of October to the 15th of January. And during that time I had some experience that it might me pretty well for this commission to know, and that is pertaining to the weights of coal.

The reason these men demanded a checkweighman was that they claimed they were not getting full weight. This mine was operated by the Northern Coal & Coke Co.; the Rocky Mountain Fuel Co. are now successors to that company; and there were only 22 or 24 men in the mine mining coal, and still they believed it would pay them to contribute their share toward a special checkweighman in order to—that individual would pay himself by saving the coal that was being deducted from them.

The first two days I did not interfere with the scales—they were automatic scales—but took the total weights of coal as given me, as credit was given to the miners, and the total weights as was shown by the railroad scales. The mine was loading mine-run coal, and I compared those weights; and if I remember correctly it was something like 7 tons—I believe I can get the figures here—to about 14 tons per day the miners were losing at that mine. That is, of the total production of the mine. And about the third day I balanced the scales. And from that day on the way boss had continual complaints from the superintendents of the mine that the miners were getting more than was coming to them, when, in fact, they were getting only that which they were entitled to.

The second day I weighed, on the 2d day of October, when the weigh boss arrived that time, he said, "I have been over to the office last night to turn in my report, and the clerk remarked, if you and I get along as well every day together as we did yesterday there will be no complaint." I asked him, "How did we come out?" That is, in the comparison of weights between the total given credit to the miners and the total as weighed on the railroad scales, the weights for which the company sold the coal. And he said, "I don't remember exactly, but I believe it was 95 pounds difference." Well, I smiled to myself, and I made up my mind that he was either mighty ignorant or thought I didn't know anything about weighing coal, and I told somebody afterwards that if you were to weight two or three hundred tons of coal in a drug store and carried it across the street and weighed it again, the loss would be more than

95 pounds. So I knew the man was either very ignorant in the weighing of coal or endeavoring to mislead me; and for that reason I watched the man very closely.

So finally complaints were made by the company to this weigh boss that the parties whom they had sold this coal to were complaining that the reported tonnage on the car when it left the mine was not upon the car when received at its destination, and he would be compelled to make affidavit to the effect that it was there. And I watched them very closely, and I found that he was giving this weigh to keep himself a good fellow as he had already made himself by either deliberately weighing the coal 14 to 17 hundredweight more going out on the cars than actually went to the people the coal was sold to, and thus could credit certain ones with more than they actually got on the car, and therefore he didn't have any complaints. Thus he was giving more coal to the credit of the company than it actually came to, and they had to get the fellow to sign a paper to the effect that the coal was on the car when it left the mines.

Chairman WALSH. Do I understand that he could also control the railroad scales?

Mr. DOYLE. Yes, sir; he weighed the coal. Suppose a flat car of coal was loaded with mine-run coal, he weighed the car before it left the railroad scale to bill it.

Chairman WALSH. Then the railroad company did no weighing at the mine?

Mr. DOYLE. No; the railroad company took the weights of the mine company. In the last few years there has been what is called the Western Weighing Association, formed by these men sworn into that association, and those weights, if I understand correctly, are advocated by legal counsel of the Western Weighing Association, if questioned on arrival at final destination.

Chairman WALSH. How long did you act as checkweighman there?

Mr. DOYLE. Until the 15th of January.

Chairman WALSH. Then what did you do?

Mr. DOYLE. Why, that was the time of the panic, and the mine was compelled to lay off most of the force, and laid off all but eight miners, and there wasn't enough then to support a checkweighman, and there was a checkweighman wanted at an independent mine called the Strathmore, and I proceeded to weigh there. The committee sent for me, and I weighed there for about three weeks, when that mine also laid off a portion of its force. I had when I quit the Vulcan mine \$15 more than my wages amounted to. My wages are paid by the miners, me deducting a certain percentage per ton, according to the tonnage allowed to each man for each half pay, and based according to the number of days I worked at \$3 a day; and through an error—I always carried an account with the miners and adjusted it every two weeks, what I had on hand or what they owed me; and I had \$5—there was always a little one way or the other—and I had \$5 there, and by an error I also had \$10, making \$15 which was really due the miners. In fact, I checked off \$15 more than was my wages up to the time I had quit. I held that, expecting that mine would start up again, and naturally I wanted to turn it over to the committee there to be used in paying the next checkweighman if it should be some one else than myself; and after I was laid off at the Strathmore mine because of the force being reduced the men—these eight miners—were complaining bitterly that they were being robbed. And they were loading the coal mostly for wagons, to be used around the town and on the farms, etc. And I told them that I had \$15 and that if it was agreeable to them to test it out I would use the \$15 and work five days. So it was agreeable. I thereupon—

Chairman WALSH (interrupting). Is the salary received by a checkweighman \$3?

Mr. DOYLE. That was at that time in that mine. If it is a bigger mine they can pay a little more; but \$3 was the salary at that time. And I appeared upon the scene to weigh out the five days, and I got a very cold reception from the same weigh boss the first morning. And one of the boys called his attention to the fact that I had come down for a few days, and he, in a very angry manner, said he didn't care; it didn't make any difference to him. So when the first coal started to come out of the mine I noticed by looking at the bulletin of the day before that the weights had been greatly reduced—that is, the average weight—and this car was thirty-three hundred and some odd pounds at that mine, and the bulletin for the day before showed that the highest car was 2,900, and the average would run about 2,600. And I knew they were either loading cars much smaller since I had been gone, for perhaps a month and a half, or that there was something wrong with the weights. So I proceeded to

pay very close attention, and the first car—I should judge the first that came up—was what we call a car of slack, machine cuttings; they are wet; and it weighed 2,900, and the man's bulletin the day before showed he hadn't anything higher than 2,600, and I put it down 2,900, and the weigh boss stopped it and spoke of its being wet, and said that he would go to the superintendent. He says, "I am going down and tell the superintendent that they are purposely wetting their coal to-day to show that they ought to get more weight." And it was laughable, of course. But nevertheless we went along. And while they were changing railroad cars one car stood on the scales and weighed down 3,300 pounds. Now, there hadn't been 3,300 pounds on the bulletin for at least a week back, and I judge I looked at that many bulletins back. And it stood there while they were changing the railroad cars. And as it was dumped he said, "This man's coal weighed 2,900." I says, at the same time, "No; it didn't; haven't you any eyes to see?" He says, "Oh, well, he never allowed cars with 3,300 pounds." You know, each mine keeps a bulletin and each man carries a check. And he says, "I never put down 3,300." And he put it down 2,900. So at the noon hour we got to discussing it, and I says, "It is going to be 3,300, and that is all there is to it. It weighed 3,300 and the men are going to get 3,300." He says, "Well, it would not look so good." I asked him, "What have you been doing since I have been gone?" He says if a man loaded an extra big car he didn't get it put on that, and if he loaded a small car he added to it, so it wouldn't look like there was so much difference. I objected to that condition of affairs and insisted that the car be corrected to show that 3,300 pounds, and the men got full weight for that five days. What happened after that I don't know, but I presume he kept up his practice after that.

Chairman WALSH. After you left the mine where did you go?

Mr. DOYLE. After leaving there I went to the Strathmore and worked three weeks there weighing coal; and they did not have an automatic scale there, but they had two old beam scales; and I weighed the cars—

Chairman WALSH (interrupting). Say, Mr. Doyle, I believe I will get you first to state the different places where you were employed, and then take them up later on and go into details as to checkweighman. We have a separate line of questions on that.

Mr. DOYLE. I see.

Chairman WALSH. Now, just sketch for me, first, where you were employed and in what capacity and on down to the present time.

Mr. DOYLE. After leaving them at the Strathmore, I worked those five days at the Vulcan. I was then notified to do some checkweighing at the Standard mine at Lafayette, the former checkweighman being away on account of a death in his family. I weighed there 13 days, when I was called east on account of the death of my father. I returned to Colorado—that was in April, 1908, and I returned in May, 1908—and brought mother and the children with me; and I worked for a short while in a planing mill near Lafayette; I should judge two or three months, and then in September, on September 5, 1908, I commenced checkweighing at the Capitol mine, or what is known as the Rankin mine at Lafayette, operated by the Colorado Capitol Coal Co. I weighed there until April 1, 1910, the date of the northern coal strike. After the strike I took a trip to the western coast and worked there near Seattle at a mine four months. I worked there a few months running a hoisting engine, and returned to Colorado in August, 1910, and was on the strike since August, 1910, except what time I spent in jail for alleged contempt of court, until I was elected secretary of the miners, and I took the position April 1, 1912, in the Denver office, and have since been holding that position.

Chairman WALSH. You are the present secretary-treasurer for the United Mine Workers?

Mr. DOYLE. Yes, sir; secretary-treasurer for the district organization; not for the national—

Chairman WALSH (interrupting). When were you in jail for contempt of court?

Mr. DOYLE. The first time on December 23, 1910; and the second time July 14, 1911.

Chairman WALSH. How long were you in the first time?

Mr. DOYLE. Two months.

Chairman WALSH. And the second time?

Mr. DOYLE. Four months. Each time I was sentenced a year, and the second time it was a year and \$500 fine.

Chairman WALSH. Briefly, in what did the contempt consist?

Mr. DOYLE. There wasn't any contempt. It was all a put-up job on the part of the judge and one of the companies, and they railroaded us——

Chairman WALSH. Where did this occur?

Mr. DOYLE. Occurred in Denver. We were on strike in Weld and Boulder Counties, and they secured an injunction from Judge Greeley Whitford in Denver County, an injunction that forbade us to do anything, in fact, but eat or sleep. We couldn't fly banners, post notices, hold meetings, talk to a neighbor or to strangers, and if you would say a word about it he could pronounce you guilty, or find you guilty for anything you did or didn't do; and on the 17th of December, 1910, a fight was supposed to have taken place on the streets of Lafayette, which I believe did take place; and about the 20th 16 miners from Lafayette were arrested, charged with violating the injunction and brought to Denver for a farcical trial without a jury and were sentenced to jail after a two days supposed hearing.

Chairman WALSH. Has the law in Colorado been changed since that time with reference to the trial of contempt cases?

Mr. DOYLE. I don't think there has been any change in the law, but there has certainly been a change in the attitude of the people who attempt to use the courts for their purposes. They seem to have got enough of those injunction suits to leave us alone and quit misusing the courts to have them for a club to lick organized labor with.

Chairman WALSH. Briefly, what were you charged with in each of the contempt cases?

Mr. DOYLE. I was charged with being in a party that assaulted strike breakers on the night of December 17, when the fact was that I was not there. I did not know it had occurred until I heard it afterwards. And I was home eating supper with my mother and other members of the family. I was charged with it, but since I have learned from a man in a position to know that the company's attorney admitted that I was not arrested and jailed for being guilty of that, but for my attitude toward the court when he issued the injunction and my attitude as being the president of the Lafayette Miners' Union; I told the miners the day the injunction was issued not to obey it; that the judge had no right to make laws; that we were citizens and had a perfect right, as long as we were law abiding, to exercise any right any other citizen had, although we were strikers; and that no man should pay any attention to the order issued by the court, but should exercise his rights and talk to anybody he wanted to or ought to talk to, or to perform any other function he saw fit so far as it was honorable, but not to consider the judge's injunction law, because it was not law. And they were attending a meeting, and I went there and told them that if the Baldwin-Felts detectives were deputized by Judge Greeley Whitford to serve the warrants for the alleged contempt—because we knew they were going to arrest us, or they never would have issued the injunction. The injunction was for the purpose of arrest. I told them that if the Baldwin-Felts detectives were deputized—they couldn't secure the deputy sheriffships from the sheriff of Boulder County—but if they were deputized by the judge to serve the alleged warrants for the alleged contempt, they should pay no attention to them but should resist arrest, because if they were placed under arrest they would be beat up between the place of arrest and Denver. We know from what we have seen and read in our official paper how the Baldwin-Felts men have beaten up others elsewhere in this country.

Chairman WALSH. Whereabouts had you read of that?

Mr. DOYLE. West Virginia particularly. And I was satisfied in my own mind that if they came to get these strikers and officers and arrested them and attempted to take them to Denver in an automobile that they would beat them up; that they would beat their heads in and then claim that they had to do it because they attempted to resist; and that they had better be beaten up at first than afterwards between their homes and the courthouse; and that they ought to fight them on their doorsteps. And I told them I knew that would be the result if the Baldwin-Felts men attempted to make the arrests. But at the same time I told the miners that if any regular sheriff or regular deputies came to submit; to come. And as the result of that the sheriff came to me and gave me the names and I called all the boys together and we beat the sheriff to the courthouse and gave ourselves up.

We didn't know what we were arrested for and couldn't find out until the day before the trial. We were released on bonds—\$300 or \$400—I think \$300, I ain't sure—and when we returned to Lafayette there was a great crowd at

the station when we got back to welcome us, and that was used as evidence against us for being congregated at the depot. That was evidence in our trial.

We were placed on trial—I forgot to state in the beginning that the miners' organization did not appear and oppose the issuance of the temporary injunction, knowing that the judge would not consider such a thing under the circumstances; that he had his mind made up to issue it regardless of what opposition was made. So we didn't waste any time or money by appearing. And when we were set for trial the 16 of us were denied a jury and we were compelled to sit in the jury box—12 of them and 4 in chairs in front of the jury box—and we were compelled to be seated always in the same places in order that the witnesses could identify us and could tell who we were by a certain place—

Chairman WALSH. Did you have any attorney?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Who was your attorney?

Mr. DOYLE. Mullins & Waldron, I think, of Denver.

Chairman WALSH. Proceed.

Mr. DOYLE. And after two days of a farcical trial—it was a joke, so far as a trial was concerned—we were sentenced to one year in the county jail in the city of Denver. During that trial witnesses appeared on the stand that could not pick out their men that they said was there in the fight, or anything else. When we would change a seat in the jury box purposely so they would not know, the judge would tell us to get back and take our seat. We could understand the conspiracy as to the whole thing. We were convinced to our own satisfaction—

Chairman WALSH. That feeling, whether or not it was correct, did it cause a bitter feeling among the men involved in the strike and your friends?

Mr. DOYLE. It certainly did. And during the trial I might mention—I don't know whether any of the members of the commission are superstitious or not, but for the further information of any, if there are any such—during the trial—we were tried in the courthouse down here in Denver and the goddess of justice is standing up there on the dome holding the scales of justice in her hand; this is the way she did it, showing one balance stood up close to the statute of justice and the other part down, and when we were sentenced to jail—after we were sentenced she threw the scales on top of the roof and they are there yet.

During that trial the record will show that the judge overruled practically everything; it was absolutely ridiculous the way the judge overruled the attorneys for the miners. I tallied—I don't know, for about an hour and 10 minutes at one time; I think an hour and 10 minutes, or 2 hours and 10 minutes. I don't remember exactly, but I scored a while, being in there—on a piece of paper the number of matters overruled by the judge, on our side and the number on the other; and I had 111 matters on our side overruled and 11 on the company's side; and I mention that to show that there wasn't any chance during the trial at all. The facts were, as near as I could learn afterwards, that out of those 16 men 1 man was in the group that had the fight and 15 were not, and I later was, as I said before, put in for telling the men that I thought they ought not to obey the injunction, and advised them before any arrests were made.

In fact one man—his wife gave birth to a child, and he was at home for three days and not up town and didn't know there was any fight until I came to him and notified him that the sheriff wanted him. Yet he got sentenced.

Another man in the warrant was named as Frank Balek, and it didn't say whether it was Frank Balek, jr., or sr., and I told him about it, and he says, "Well, you mean my boy; I wasn't there at the time of that fight: I have been staying home; I was that night playing cards," etc. And I said, "Where is the boy?" He says, "Out of town." "Well," I says, "I guess there is nothing to it. The name is there, and there is just a framed-up job and can on anyhow. They have got to have a Frank Balek somewhere." And he was sentenced to jail for a year for his son, because he had the same name. And we went to jail on the night of the 23d of December, 1910—in fact, just one day between us and Christmas. We spent Christmas in there and the case was appealed to the supreme court; on the 23d of February we were haled before that court, and, after being given a severe lecture, we were released and told not to violate the injunction any more, etc.; and if I remember correctly our case was yet to come up in the supreme court, but it seems as though they were afraid to have it tested in the supreme court, and they let us out before our year was up.

Chairman WALSH. The same judge?

Mr. DOYLE. The same judge. He said things there when he scored us that were not correct or proper; and I for one would never have stood for it if it had not been for the others who would all have had to go back to jail on account of my being the president of the organization; but it was shameful the way that judge talked and the things which he construed to be true which were not. And while in jail, and after getting out, I wrote some letters to our official paper published at Indianapolis, Ind., called the United Mine Workers' Journal, and in those letters I told my honest opinion of the judge and what I thought about him. In July, 18 more miners were arrested. I was among the 18; again for alleged contempt of this so-called injunction.

Chairman WALSH. The same injunction?

Mr. DOYLE. The same injunction. But I am a little ahead of my story. On December 5, 1910, Jack Cassidy, marshal of Lafayette, was arrested for alleged violation of this injunction, and his crime, I understand, consisted as marshal of Lafayette in searching two Baldwin-Felts people, or trying to search them, for concealed weapons in an incorporated town. He was brought before the court, and he was pronounced guilty and sentence suspended from time to time, and he had to appear before that court at different dates set at different times until I think he appeared there 17 or 19 times from December up to July. But he was arrested with the rest in July, when these 18 were arrested. Of these 18, 3 were dismissed as, I believe, town officers, members of the council, or some technicality; I don't know what it was; and 15 were again sent to jail. I think 13 were fined \$250 and costs and put in jail until paid; no bonds till appeal. One was sentenced for 12 months; that was my predecessor in office, Mr. William Crawford. He was sentenced to 12 months in jail, charged with having abused the judge and got into contempt of court by cursing him when he was living up in Lafayette and him—the judge—in Denver. And I was sentenced to one year in jail and fined \$500. I was up on three charges of contempt at that time and, one of them was that I was supposed to have been in the mob that ran some people out of town. Another was to have led a mob to attack an old man's house who had afterwards deserted the organization and returned to work; and the other, if I remember correctly, was contempt of court by writing letters concerning the judge; and I was not charged with this latter before being brought to the court.

But this matter of attacking the old man's house—the man himself got on the stand and testified that I was a perfect gentleman at all times; and I knowed him, he said; and he had no knowledge of me being there or anything else, except to speak to me upon the street. And, of course, that was such an exposure of the bare-faced complaint that the judge could not very well sentence me on that, because—well, the papers had it, and he let me alone on that. But on this contempt there was a man I never saw in my life who stated I was in the mob that chased him out of town, when I was not any such thing; and while I was on the stand as a witness—respondents I believe they called us in that case—the coal company's attorney introduced the articles I had wrote or letters I wrote to the Mine Workers' Journal as evidence that I was in contempt; and not being charged with that, our counsel objected, and, as I mentioned before, the judge overruled it, and there was nothing to it. My attorney says, "He is not charged with contempt for writing letters." The judge says, "I haven't heard them. We will see what they are first, and see." Then he permitted counsel for the coal companies to read those letters in court to me—to the court—and let me answer whether they were mine or not. I was under oath and had to say yes or no. If I said no, because I was not charged with that, I was guilty of perjury. He had me going and coming. And if I said yes, then I was guilty of contempt for having admitted in the presence of the court that they were my articles, and they reflected on the judge; and he had me going and coming. And you might tell from that that they were simply putting the job up. After the letters were read, Jim Blood, the coal company's attorney—not the district attorney, but the coal company's attorney—was instructed to get out a warrant for me, and I was arrested at the recess of the court on another charge. That was contempt of court.

Chairman WALSH. On the charge growing out of the writing of these letters?

Mr. DOYLE. Yes, sir; and not for having written them, as I understand, but for having admitted on the witness stand that they were mine, and they were read in. As I understand, I did not commit any contempt in writing them, because they were published elsewhere than in the presence of the court; but that I did commit contempt in admitting in the presence of the court they were mine, after allowing them to be read over the objections of the attorneys

when I was not on trial for those charges. The contempt was in saying, "Yes; they are mine," when I would have been perjured if I had said "No," since they were allowed to be read; and I got a year and \$500 fine and costs, and I was sent to the county jail on the 14th of July.

Thirteen of the fifteen sentenced the same day were released by the supreme court after they were in, I should judge, about 20 or 30 days; I have forgotten the date. They were released by the supreme court. Now, the 13th of November of the same year, there being only 2 of us left in there out of the 15, my predecessor and myself—

Chairman WALSH (interrupting). Did the supreme court pass upon your case?

Mr. DOYLE. No; they did not. They were to pass upon that later. On the 13th of November Mr. Crawford was released on parole by the judge to see his dying mother in Wyoming. So the judge, under the pressure, tried to in a nice way, as nice as he could, make it publicly; for the lawyers had talked to Mr. Crawford in the chambers of the courthouse and asked him to agree to apologize to the judge for his alleged contempt so that the judge would parole or would release him to go and see his dying mother, and the judge wanted an apology from him under those circumstances; and the man broke down and did not apologize on account of his condition and was released on parole, anyhow.

I was released on the 15th, but before being released—I have that somewhere, the exact conversation; I don't know if I have it here or not—but, however, before being released Judge Whitford sent down a message about two weeks—not two weeks, but about seven or eight days before I was released—he sent down one of the sheriffs with it, and the sheriff delivered it to the then warden of the jail to give to me, and asked if I would agree to apologize to the court for what I wrote about him, and he would give me two days to think it over; that if I would agree to apologize to the court he would suspend my sentence. And I was then in four months, and he wanted me to think it over. And I told the fellow I was ready to answer now if he would take me to the court. He says, "No; I will come back." And then two days later the warden of the jail had come back and asked me not to say anything about it, "but the judge says if you take back some little things you said about him he will let you out, but don't say a word to anyone." When he came back after the two days he asked me if I was ready to answer, and I said I was as ready as I was when he was there before. And he asked me if I had made up my mind to come up and apologize. And I said, "Tell Judge Whitford if he wants me to apologize let him take me out before the court and, as any citizen or court ought to do business not underhanded, but ask me openly before the public whether I will apologize or not." He says, "No; you must send your answer through a messenger. He won't have it that way." I says, "If that is the case, you go back and tell him I consider his request an insult, and that he ought to apologize to me and my mother; that he had insulted us; that he had considered she was a perjurer when she said I was at home; that my opinion now of him was worse than ever; and to say that I didn't have anything to retract; but to go back and tell the judge, "if he considers what I wrote to be contempt of his contemptible court, and desires to do so, he may sentence me to be hung, and I will extend to him an invitation to be present when it comes off." He never called me out to his court, and my sentence has not been retracted yet in my presence, and I haven't paid the fine, either. I wrote again after I got out, and he has not done anything about it.

Chairman WALSH. Did that cause much comment in the public press?

Mr. DOYLE. The press knew nothing about my dealing with the judge secretly, and nothing about the apology he wanted was published.

Chairman WALSH. Was it given out for publication in any way?

Mr. DOYLE. No; only I think I wrote a letter afterwards, again stating so that the readers of the Journal would know what the final outcome of it was; and I might have mentioned by the way there in that letter, if I remember correctly, of the attempt to have me to agree to this matter before he would bring me into the court, so that he would know what my answer was going to be before he called me before the public; and I think—I have always been under the impression; I don't know whether correct or not—that the reason for sending a written order to the jail to release me was that he was afraid I would tell him what I thought about him and tell some of it to the public, and the papers would publish what was coming up before the district court.

Chairman WALSH. I will ask you if that was the United States court or the Colorado State court?

Mr. DOYLE. It was the district court of this district, in Denver, a branch of it; I think it was the fourth division.

Chairman WALSH. The State court?

Mr. DOYLE. Division 4 of the district court.

Chairman WALSH. State court?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Your case was dismissed—your appeal was then dismissed by the supreme court of the State?

Mr. DOYLE. By the way, I am glad you asked me that question. My case was to come up on Saturday in the supreme court, and the judge released me on Wednesday when I would not apologize.

Chairman WALSH. So the appeal was dismissed on the ground that you had already been liberated?

Mr. DOYLE. I think it never was heard. I think it just fell by the way or something. I don't know yet whether I am dismissed or whether my sentence has been officially cut to four months or not, or whether my fine has been erased from the records; I don't know that yet.

Chairman WALSH. Was or was not wide publicity given in the case, and the details of this case, outside of these private details that you have mentioned?

Mr. DOYLE. Yes. The papers carried a great deal of it. There was a large meeting held. Organized labor protested against the misuse of the courts by corporations for the purpose of beating organized labor. A monster mass meeting was held in the city of Denver and speeches at the city auditorium. They marched around the statehouse and marched around the courthouse, and the judge, when releasing us—that was when we were first put in—when releasing us, referred to it as being a threat against a judge who was trying to do his duty, when he knew what the facts were. It was a protest similar to the tea party of old.

Chairman WALSH. Were public meetings held and were speeches made at these public meetings?

Mr. DOYLE. Yes, sir. The auditorium meeting. I guess there must have been fifteen or eighteen thousand marched in the parade, I understand, and the auditorium seats only twelve thousand and something, and as many as could get in there were there when the speeches were made.

Chairman WALSH. What effect did the whole matter have upon the minds of the working people generally, if you observed?

Mr. DOYLE. Well, if I am any judge, it only served to show them that the powers that be; that is, the corporations, as great as they are, that a judge will serve it; that the workmen as such need not expect any justice at the hands of courts that these people can get control of, and have control of, and you might as well not make any defense; and you may just as well, whether you violated the law or not, realize, if you are accused, you are guilty, and you have to prove yourself innocent instead of being innocent until you are proved guilty. And I believe the worst part of it was that way. Later this judge was charged with having been bribed to send the miners—a woman made the statement that she gave him \$3,000—and he had the nerve to ask another district judge to get a jury to investigate his case, and yet he wouldn't give the miners a jury to hear their case.

Chairman WALSH. What is the feeling among the working people generally in Colorado with reference to the courts at this time?

Mr. DOYLE. Well, as far as I know, as far as labor is concerned as such, I think there is not very much feeling in certain parts of the State, because things have not got to that stage. But in certain counties and with certain members of the supreme bench I think labor believes it can not and will not get a fair deal.

Chairman WALSH. When Mr. Welborn was on the stand he handed me certain bulletins that had been issued by the striking miners, with the request that I should interrogate you upon them. I want to ask you some preliminary questions, such as I asked Mr. Welborn. What sort of a publicity department does your organization have or has it had during this strike?

Mr. DOYLE. Well, we have a press agent, a publicity bureau, at the headquarters here in Denver. A man that worked on a Denver paper that went out of commission has been employed by our organization to take care of the statements, and so forth, and any of the advertising work and things of that kind.

Chairman WALSH. What is his name?

Mr. DOYLE. Walter H. Fink.

Chairman WALSH. Have you any other publicity man than Mr. Fink?

Mr. DOYLE. No; not other than such other necessary clerical help, all of our staff, the editor of our staff, our official journal in the organization, published at Indianapolis, the United Mine Workers' Journal.

Chairman WALSH. What compensation does Mr. Fink receive?

Mr. DOYLE. I think \$35 a week.

Chairman WALSH. Do you keep a record of it in the books of your organization?

Mr. DOYLE. Yes.

Chairman WALSH. Have you a committee that supervises in any way the matter that is sent out by Mr. Fink to the country?

Mr. DOYLE. No; we have no committee for that particular purpose. He often consults officers about matter, asks them about information or where he can secure information or anything of that kind.

Chairman WALSH. Mr. Fink being merely an employee in your organization, whom would you say in your organization was responsible for the matter sent out in the bulletin and other publications issued by Mr. Fink?

Mr. DOYLE. Well, that would be a matter, I think, of whether or not the organization authorized the issuances of any particular statement or officially signed it.

Chairman WALSH. Well, in case of the authorization of any particular statement or bulletin, who of your organization would authorize it?

Mr. DOYLE. Well, that would depend upon what it was. Finance, I have made statements; executive, Lawson or McLennan or Hayes. By the way, Hayes was officially designated as the man who should put out statements from the policy committee when the strike first commenced.

Chairman WALSH. And did Mr. Hayes continue to perform that duty all the way through?

Mr. DOYLE. Well, he never changed, so far as I know—his being authorized by the policy committee to do so, it has never been changed. The understanding was that he would be the fellow that would give any statements from that committee.

Chairman WALSH. Now, who were the policy committee, and how were they designated by your organization?

Mr. DOYLE. Well, the policy committee was formed—at the beginning of the strike was organized by Vice President Hayes, and consisted of Hayes, vice president of the national organization; Lawson, international board member of district 15; John McLennan, president of district 15; and myself, as secretary.

Chairman WALSH. Now, that committee is the one known as the policy committee, and which authorized Mr. Hayes to give out what publicity was desired?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Who actually employed Mr. Fink—what individual?

Mr. DOYLE. I think President McLennan.

Chairman WALSH. President McLennan?

Mr. DOYLE. Yes; if I remember correctly. The Denver Republican was a morning paper here, and went out of commission, and I think at the time it went out of commission Mr. McLennan knew Mr. Fink and talked about—talked about getting some one to take care of paper matters; that he had too much himself to do, and I think it was Mr. McLennan that employed him.

Chairman WALSH. I will now hand you certain documents containing the heading, each of them, "The struggle in Colorado for industrial freedom," and certain bulletins, numbers and dates also at the head thereof, and also a pamphlet or a book entitled "The Ludlow Massacre, by Walter H. Fink, Director of Publicity, District No. 15, U. M. W. of A.," these being the ones that were handed me by Mr. Welborn. And I will ask you whether or not those were all publications issued as they are purported to have been issued?

Mr. DOYLE. The bulletins have been issued by the organization, but the book has not.

Chairman WALSH. Have you, as requested, produced before this commission copies of all those documents which I handed you?

Mr. DOYLE. I have, I believe, all of those here, Mr. Walsh.

Chairman WALSH. Please hand them to the messenger there. I wish to ask you some questions.

Take the bulletins, which are as follows: Bulletin No. 1, August 12, 1914; Bulletin No. 2, August 20, 1914; Bulletin No. 3, August 24, 1914; Bulletin No.

4, August 28, 1914; Bulletin No. 5, September 8, 1914; and Bulletin No. 6, September 16, 1914.

Mr. DOYLE. I haven't got six.

Chairman WALSH. That is entitled "Character Assassins."

Mr. DOYLE. One of the boys will get it. I will have it.

Chairman WALSH. I have a copy of it here. Will you please look at the copy I hand you and state whether or not that is a correct copy of Bulletin No. 6?

Mr. DOYLE. Yes; I believe it is.

Chairman WALSH. Bulletin No. 7, dated October 15, 1914.

Mr. DOYLE. Yes.

Chairman WALSH. And what appears to be a conclusion to some bulletin?

Mr. DOYLE. I have No. 6 here. It was inside of another one.

Chairman WALSH. Oh, yes; thank you. A conclusion of a bulletin signed "Policy Committee, United Mine Workers of America, District 15." Frank J. Hayes, international vice president; John R. Lawson, international board member, district 15, U. M. W. A.; John McLennan, president, district 15, U. M. W. A.; E. L. Doyle, secretary-treasurer, district 15, U. M. W. A., the last being yourself, and also a book entitled "The Ludlow Massacre," by Walter H. Fink, director of publicity, district No. 15, U. M. W. A." Now, I want to ask you whether or not those were all of the bulletins that were issued by your organization during this difficulty in that form?

Mr. DOYLE. Yes; I believe seven was the full number. I think that seven was the last one we have issued, and that makes the complete list.

Chairman WALSH. At this point we will take a recess until 2 o'clock.

(At this point, at 12.30 o'clock p. m., of this Saturday, December 12, 1914, a recess was taken to 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Chairman WALSH. Mr. Doyle, I will call your attention to Bulletin No. 1, dated August 12, 1914, and call your attention to the third paragraph from the bottom, which reads as follows:

"When, through criminal negligence, through disobedience of the law, through improper management and inadequate ventilation, the mine owners of Colorado kill in their mines almost three times as many men per thousand employed as the average for the United States, and four times the average of States where operators recognize the United Mine Workers of America, we believe there is something to arbitrate."

What foundation have you for that statement?

Mr. DOYLE. Why, I think the records of the State coal mine inspector's office, as well as those of the United States Mines Bureau, will bear out those facts.

Chairman WALSH. You claim those are the facts, do you?

Mr. DOYLE. Yes, sir; to the best of my knowledge they are the facts. It may be a little worse than that for certain years.

Chairman WALSH. By whom was that information furnished to the man that wrote the bulletins?

Mr. DOYLE. I don't recollect, but I presume from the State mine inspector's report and the United States Bureau of Mines pamphlets.

Chairman WALSH. Take the next page of that same bulletin, and the last paragraph reads as follows:

"In that year 14,768 men were employed. Three hundred and nineteen were killed, or an average of 21.6 per thousand."

Where was that information obtained?

Mr. DOYLE. I believe from the State mine inspector's office.

Chairman WALSH. Who obtained it from the State mine inspector's office?

Mr. DOYLE. I presume our publicity agent.

Chairman WALSH. Are you prepared to say personally whether those figures are correct or not?

Mr. DOYLE. I will say that the percentage of death rate is correct. I remember reading it myself, but don't remember whether it was 21.6 or 22 or 20.6, but I believe that is the correct figure, and it can be corroborated by referring to the department of mines.

Chairman WALSH. Was this information handed to Mr. Fink by some individual or was he supposed to acquire the information himself?

Mr. DOYLE. He would look this information up; that was his duty, to hunt this stuff up and get reports and go over them, because I know that many times he had inquired for certain information or the source from which he could secure that information.

Chairman WALSH. But where it required the consultation of Government reports, or anything of that sort, do I understand Mr. Fink would go and get that himself?

Mr. DOYLE. Yes, sir; if they were not on hand.

Chairman WALSH. Now, was there any check made of the figures obtained by Fink, by any person on the policy committee, to ascertain whether or not they were correct?

Mr. DOYLE. I think not.

Chairman WALSH. You just left it to Mr. Fink after he received his general orders?

Mr. DOYLE. Yes, sir; that was his department; he was handling that.

Chairman WALSH. Mr. Fink, I believe, has been subpoenaed to bring all those things?

Mr. DOYLE. Yes.

Chairman WALSH. Now, take Bulletin No. 2, dated August 20, 1914, the second paragraph, referring to Colorado:

"She bows her head in shame to the mourning survivors of the 34 men, women, and little children whom she has allowed to be murdered and cremated through the complete domination of her executive, legislative, and judicial and military arms by the large corporate interests."

What foundation have you for that statement?

Mr. DOYLE. I believe that is true; I believe Colorado does bow her head in shame for the murders at Ludlow. I believe that every citizen of the United States that ever heard of that bows their head in shame, and I think for good reasons they all bow their heads in shame. I believe that the general assembly has been dominated by the coal companies. I believe that the chief executive of the State has been dominated by the coal companies; I believe that certain parts of the State have been dominated by the coal companies; and I think the military, beyond question. They are riding around in C. F. & I. automobiles, and their ammunition hauled in C. F. & I. wagons, and my impression is honestly and is emphatically to that effect, and I won't change my belief until I have positive information to the contrary.

Chairman WALSH. Now, I will ask you whether—first, where did you get your information with reference to the number that you claim to have been murdered and cremated?

Mr. DOYLE. I think there is 35 that have been killed in the State altogether; that is, on the side of the strikers—34 in Ludlow.

Chairman WALSH. When you used the words "murdered and cremated," is that intended to include—the cremation part—those people that lost their lives at Ludlow?

Mr. DOYLE. I believe that the only ones cremated were those killed at Ludlow.

Chairman WALSH. Were any of those killed at Ludlow cremated?

Mr. DOYLE. To the best of my knowledge, they were.

Chairman WALSH. Some portions of their bodies burned?

Mr. DOYLE. That is what I understand. I did not see them personally.

Chairman WALSH. What was your source of information as to any of the bodies being burned?

Mr. DOYLE. I had several reports; different parties came to the office and told of it, and I have heard it said by others that the bodies were burned that were in the hole.

Chairman WALSH. The statement has been made, and I suppose that that is the reason that this is questioned, that those who were found at Ludlow were smothered, and not otherwise wounded.

Mr. DOYLE. I do not think that is true, but I did not see them myself; but I prefer to believe the statement that they were not, because it would seem almost impossible to see how they were not.

Chairman WALSH. Where was this information obtained that any of the bodies were cremated and by whom was it obtained?

Mr. DOYLE. I don't know from what individual or source—from whatever source he would be able to learn it from.

Chairman WALSH. Who would be able to learn it from?

Mr. DOYLE. The man that wrote it.

Chairman WALSH. So you say your information is that some of those bodies, or all of those bodies were burned, and that the information in regard to that was gained by inquiry?

Mr. DOYLE. That is what I understand.

Chairman WALSH. Then, the next paragraph reads, "For wanton disregard and criminal negligence of life, the Colorado coal operators have long been known."

Mr. DOYLE. I think there is no question about that.

Chairman WALSH. What is your foundation for it?

Mr. DOYLE. The very fact that there are more casualties in the mines in Colorado than anywhere else per thousand employed; and you can take any average miner who has worked in those mines and he will practically give you the same idea of it.

Chairman WALSH. By whom was this information given to the person who wrote this bulletin, and who would you say was responsible for it; for the statement?

Mr. DOYLE. I would say that the party writing it was responsible for it, but I don't know what particular individual he got it from. I think that is usually understood to be the case in southern Colorado, and is, in fact, one of the things that has caused unrest and dissension, and has made the men join in the organization to help stop it.

Chairman WALSH. Do you or do you not stand by that statement as presented in that bulletin?

Mr. DOYLE. I do personally; I think it is right.

Chairman WALSH. The next paragraph is as follows: "Gerald Lippiatt, union organizer, was the first to pay the death penalty for fighting corporate greed in Colorado. He was murdered by George Belcher, a notorious Baldwin-Felts thug, on the streets of Trinidad, August 16, 1913."

What authority have you for that statement?

Mr. DOYLE. Why, he is dead and buried, and Belcher is arrested for his murder. And I learned it the next morning by press reports, and confirmed it by phone, later, that he was killed by that party, and I know I went to his funeral, and know that he was buried.

Chairman WALSH. Well, the statement that the deceased was a "notorious Baldwin-Felts thug." What is your authority for that?

Mr. DOYLE. Not the deceased, was it?

Chairman WALSH. No; I mean the man who killed Gerald Lippiatt?

Mr. DOYLE. I understand Belcher was one of the gunmen that participated in the outrages committed against the men in West Virginia, and came here; and I think that is a very appropriate title.

Chairman WALSH. What authority have you for the statement that he was in the employ of the Baldwin-Felts Detective Agency?

Mr. DOYLE. That is the general understanding; that he was brought here by them. I believe, if I remember correctly, that he testified to that effect himself.

Chairman WALSH. At what place?

Mr. DOYLE. I think before the congressional committee, that appeared here.

Chairman WALSH. Do you personally stand by that statement.

Mr. DOYLE. I think it is correct.

Chairman WALSH. Now, take the next statement:

"When, on September 23, 1913, 11,232 of their employees struck to obtain their political and industrial freedom by enforcement of then existing laws, the operators laid aside their former excuse that the murder of the men in the mines was 'accidental' and set about to willfully exterminate the strikers and their families."

First, were there 11,232 of their employees striking?

Mr. DOYLE. To the best of my knowledge, there were.

Chairman WALSH. Now, then, who is responsible for the statement that follows that: "The operators laid aside their former excuse that the murder of their men in the mines was accidental and set about to willfully exterminate the strikers and their families."

Mr. DOYLE. The language, the writer is responsible for. But I think it will be borne out by the facts. Mine guards deputized deputies to shoot into the tent colonies, turned the machine gun loose on them, that is certainly sufficient evidence to show that there was an attempt to exterminate strikers and their families after the strike was called.

Chairman WALSH. Now, then, do you accept responsibility for the statements contained in that paragraph?

Mr. DOYLE. I think that the language of it—I am not asked to accept the responsibility of the language; but I will say that to the best of my belief it is correct.

Chairman WALSH. That was written by Mr. Fink, was it?

Mr. DOYLE. Undoubtedly. He was the publicity agent at that time.

Chairman WALSH. The next paragraph reads as follows:

"More than 1,000 gunmen."

Were there more than 1,000 gunmen in the district?

Mr. DOYLE. That would be pretty hard to say. There were—whether there was more than a thousand, it looked like there was a great number; they were very plentiful.

Chairman WALSH. Whose estimate as to the number was that?

Mr. DOYLE. I really don't know.

Chairman WALSH. Who would be responsible for that statement?

Mr. DOYLE. Well, whoever made it. If anyone made it to the writer, I presume it would be him.

Chairman WALSH. That would be Mr. Fink?

Mr. DOYLE. Yes.

Chairman WALSH. Or whoever gave it to him?

Mr. DOYLE. Yes.

Chairman WALSH. The statement that more than 1,000 gunmen appeared in the State is made, and then it follows:

"Among these were many of the Baldwin-Felts detectives, who had manned the "Bull Moose special" in West Virginia and shot down men and women and babes at their mothers' breasts."

What is the foundation, if any, for that statement?

Mr. DOYLE. I understand that the Baldwin-Felts detectives—one of them had the charge of what was called the "Bull Moose special" in West Virginia, a train that went up through the striking miners' tent colony with bullets in an effort to drive the men into working without their organization; and, no doubt, as they testified, believe me—my belief is that these men—they brought men from that agency to the strike here, and I presume that is the ground that that is based on. I really don't know. I am not the author of it.

Chairman WALSH. The next paragraph, the second from the bottom:

"Fitted with a machine gun and manned by five imported murderers, this 'death special' was driven at top speed through the tent colonies, shooting among the women and children."

That refers to the matter in West Virginia, does it?

Mr. DOYLE. Well, I don't think so. I would imagine that they were referring to the armored automobile that was used here, because it says "five."

Chairman WALSH. I see. The paragraph just above that.

Mr. DOYLE. There would be more than five persons. The testimony before this senatorial committee that investigated the West Virginia situation showed that more than five persons were on that train. I would think from that that this would mean this one here, this special they had down here, the "death special," the armored automobile with the machine gun on it.

Chairman WALSH. How do you know it was manned by five imported murderers?

Mr. DOYLE. Well, I don't know about the five imported murderers. But I do know it was armed by a number of men, by gunmen known as Baldwin-Felts—at least some of them. I saw personally a few of them. I saw them that came to Forbes when they made their raid there.

The last paragraph—

Chairman WALSH. The last paragraph on that page:

"Matt Powell was killed October 9, 1913, when the gunmen attacked the Ludlow tent colony."

Is it or is it not a fact that Mr. Powell was killed by strikers?

Mr. DOYLE. Why, no. I understand he was killed by mine guards. I understand he was working on a ranch, and was riding through there—was after cattle or something—when the tent colony was attacked, and that he was killed; but whether it was intentional or otherwise I don't know; but my understanding of it is that the mine guards killed him.

Chairman WALSH. Where would we get the accurate information?

Mr. DOYLE. Well, I would think—

Chairman WALSH (continuing). Where did you get the accurate information?

Mr. DOYLE. My understanding of it is from talking to people down there at the office—reports they would get, for instance, on the phone. And I believe that the coroner's inquests that were held, witnesses that testified before the coroner's inquests and gave testimony, and got information sufficient to lead us to believe that was absolutely correct.

Chairman WALSH. On the following page:

"One of the most dastardly attacks made by these thugs was that at Forbes, October 17, 1913. The machine gun was trained on the tent colony. When the smoke cleared away, Luke Verhonik was dead and a boy had been shot in the leg nine times."

What is your authority for that statement, who is responsible for the facts as stated there, or the alleged facts?

Mr. DOYLE. Why, it is common knowledge down there, as far as I know, that the tent colony was attacked on the 17th of October, and this man killed, as referred to here, and this boy shot nine times in the leg. Since that I have been down there—right a short while after, I should judge—and I have had miners there tell me and explain to me the matter themselves; and would show me where this machine gun stood, and where this armored auto stood that had the machine gun complained of here, and I think they turned it on the tent colony. I looked over the furniture, and saw the tables and utensils, kitchen utensils, and one thing and another, all shot full of holes; and there was the tent of John Ure, that went all over the country from Ludlow and demonstrated what was really done. I believe it has 147, I think, holes, machine bullets, in that tent, was the number counted in it, and that has been shown across the country at different places, demonstrating it was there. But I understand this man was killed, and in fact was told he was; was shown the spot where he was supposed to be found laying; and this young boy that was shot in the leg—I never have seen the young boy I know of, though.

Chairman WALSH. Who is responsible, or do you know from whom Mr. Fink received the information upon which he based this?

Mr. DOYLE. No. A great many important facts—a great many had given facts, and I do not know what particular individual's statement he would decide on to use.

Chairman WALSH. The next paragraph reads as follows:

"On October 24, 1913, operators' gunmen, with their high-powered rifles, made an attack on the strikers in Seventh Street, Walsenburg, Colo. Three union men—Kris Kokich, Andy Auvinen, and Cisto Croci—were killed."

What authority have you for that statement?

Mr. DOYLE. My understanding is that that occurred down there; that those men were killed on Seventh Street; I don't know whether those names are correct or not, because I don't know the individuals, but I think I have here, if I can locate it, some testimony taken concerning that. It is quite lengthy. Do you want it?

Chairman WALSH. Where was it taken?

Mr. DOYLE. Wait until I find the heading of it. [Witness refers to papers.] The heading of this says, "Seventh Street shooting."

Chairman WALSH. Where was the testimony taken?

Mr. DOYLE. I believe in Walsenburg.

Chairman WALSH. By whom?

Mr. DOYLE. Evidence of Albert Zink. Doesn't say by whom. I don't know whether a coroner's jury took the evidence or whether it was in a private investigation. I have got it in the office, and I didn't know but what it might be desired here.

Chairman WALSH. I wish you would ascertain by whom that testimony was taken.

Mr. DOYLE. I will try to do so.

Chairman WALSH. And submit it, if you claim that that is the basis of the second paragraph.

Mr. DOYLE. I do not know that that is the basis of that particular paragraph. I ran across it, and thought it might be useful here.

Chairman WALSH. The next paragraph—who is responsible for the alleged facts contained in that second paragraph?

Mr. DOYLE. That is the one we are just speaking of?

Chairman WALSH. Yes; the Seventh Street incident.

Mr. DOYLE. Well, whoever gave him the facts in the matter.

Chairman WALSH. Well, does or does not the policy committee accept the responsibility for the alleged statement of facts?

Mr. DOYLE. The policy committee instructed him to get up these bulletins on these matters and directed him to get the information from whatever source he could, believing the information when secured.

Chairman WALSH. What instructions were given him as to the accuracy of any statements that were published?

Mr. DOYLE. I do not know as there was any particular written instructions given, but it was understood that he should seek every source to find proper information to get the facts to present them.

Chairman WALSH. The third paragraph, which reads as follows:

"But the most infamous attempt to exterminate the strikers was made on April 20, 1914, when two companies of the operators' gunmen, who had recently been enlisted into the Colorado National Guard, and under the command of Maj. Pat Hamrock and Lieut. K. E. Linderfelt, deliberately attacked the Ludlow tent colony."

What is the basis for that statement?

Mr. DOYLE. I think the various investigations—I do not know which particular one or which group of investigations he would base his decision upon in writing that paragraph. But my personal opinion or my personal idea of the matter is that it was—the colony was deliberately attacked and purposely set on fire. I understand that one of them—that about the second or third day, that would be the 22d or 23d of April, made the statement that he personally heard Maj. Hamrock give orders to burn the tents; and I have here a letter published in the Trinidad Free Press, printed at Trinidad, Colo., Thursday, October 29, 1914, coming from one who is accredited with having been a deputy sheriff, and present at the time of the Ludlow fire, which I think will throw some light upon it, if the committee wishes it read.

Chairman WALSH. Is it a long letter?

Mr. DOYLE. It is.

Chairman WALSH. Suppose you just submit it for the record, unless the commission wants it read.

Mr. DOYLE. It won't take very long to read it.

Chairman WALSH. How is that?

Mr. DOYLE. I can read it, and you can take this copy of it, without trying to catch it, as fast as I read it.

Chairman WALSH. All right.

Mr. DOYLE (reading):

CHICKASHA, OKLA., October 26, 1914.

To the FREE PRESS, *Trinidad, Colo.*

DEAR SIR: As so many people have recently and still are asking me for a statement concerning the late affair at Ludlow on April 20 last, they knowing I was there in the interest of the sheriff's office, and having married and cast my lot with you people for some 15 years, and having the best interests and welfare of the community at large in both mind and heart, feel it my duty to give the public a statement of that awful affair.

Therefore I want to say in short that, as you know, my interest and sympathy through many years of training was not and is not yet with the organizer and agitator, so termed, but I also want to say to you that it is not with the murderous thugs, such as the Baldwin-Felts agencies produced, nor is it with your State militia, where men can belong to two militias in two different States within the same year, namely, West Virginia and Colorado, nor when its officers will accept and take money from any person or persons, corporation or corporations, to do their bidding, regardless of right or wrong, and all this, to my knowledge, has been done.

Now, back to the fight at Ludlow. I do not know of my own knowledge how the fight started, but I do know that when I got there the fight was going on, and after the strikers had been driven back to the hills an order came from Maj. Hamrock to burn the tents. I then went to Capt. Carson and later to Maj. Hamrock and asked that he let me go and get the women and children out of the tents. This they refused to do, saying that the women and children were no more than dogs, or they would not be striking and living in tents, and for me to tend to my own business. Further protests on my part invoked a threat to have me killed, and this they tried to carry out, just as they had Louis, the Greek, and two others killed while they were being held as military prisoners. But it is sufficient to say that after turning their machine guns loose on the tent colony they burned the tents under orders of Maj. Hamrock and led by Capt. Carson and Lieut. Linderfelt.

I want to state further that, anticipating something of this kind, knowing the hunch like I did, I went to Sheriff Grisham, in the presence of Attorney F. W. Clark, and pled with him to give me the authority to stop the fight and prevent the burning of the tents. This he refused to do. Later I was let out of the sheriff's office, accused of being a double crosser; and I want to say right here

that if protesting against the actions of such hell hounds is treacherous and double crossing, then I have been guilty of all they accused me.

Now, I want to say to my many friends and acquaintances, don't be duped in the coming election by the false promises and bribes of the old Republican gang, who have not only stood for, but have contributed to the many crimes that have been perpetrated upon the public in the past

Respectfully,

O. C. EDGAR,

For 12 years Deputy Sheriff of Las Animas County, Colo.

I think that information that comes like that at different times is perhaps what that statement is based on.

Chairman WALSH. I see the next paragraph says:

"Machine guns had been placed in position two days before. Using them like garden hose the gunmen swept the tent colony filled with women and children from one end to the other."

What is the basis, if any, for that statement?

Mr. DOYLE. I do not know.

Chairman WALSH. The evidence here seems to be, the only evidence that I recall is that one machine gun was taken over there a short time before this occurred, and on the same morning.

Mr. DOYLE. I do not know. But I presume the committee will, before they go away, get some men actually from Ludlow, so that they can tell the real straight matter.

Chairman WALSH. I am confining it to the alleged facts now.

Mr. DOYLE. I see.

Chairman WALSH. And trying to ascertain where you get your information for your publicity.

Mr. DOYLE. Yes.

Chairman WALSH. Mr. Fink would know about that, would he?

Mr. DOYLE. I presume so.

Chairman WALSH. You don't know any more about it?

Mr. DOYLE. No.

Chairman WALSH. The next paragraph, "Louis Tikas, leader of the Greek strikers, and James Fyler were deliberately murdered while prisoners of the gunmen-militia."

What is your basis for that?

Mr. DOYLE. Whoever gave the information for it. It is my impression anyhow that that is correct.

Chairman WALSH. The information would have to be obtained from Mr. Fink, the source of that information?

Mr. DOYLE. Yes.

Chairman WALSH. Then the next paragraph: "That night the tent colony was set afire with oil-soaked torches and burned to the ground."

What authority is there for that statement?

Mr. DOYLE. I do not know from what sources as to all the statements he got his particular information; but some one did phone from down there, out here, right after the tents were burned, to the office, I remember, and saying that the tents were burned, but who it was, I don't recall. But I remember hearing that myself; some one phoned me that some one else had got that information.

Chairman WALSH. The next paragraph reads:

"Red Cross nurses who went to Ludlow to administer aid to the injured and take care of the dead were driven back by the gunmen-militia with explosive bullets."

Mr. DOYLE. I understand, and that is my impression that that is correct. I have been told or heard it several places, several different times.

Chairman WALSH. By whom?

Mr. DOYLE. Well, in talking to different men down there in the field, and on the phone. I was told on the phone, I think, or either got the information myself, got the statements by phone from down there that the Red Cross was driven back; or one of the newspaper people who was in our office using the phone to try to get corroboration of different statements.

Chairman WALSH. Did you give that information to Mr. Fink, the publicity man?

Mr. DOYLE. No; not that I know of. It was generally talked around the office; perhaps he got it from some one else.

Chairman WALSH. The second paragraph after that one:

"In one cave, the 'Black Hole of Ludlow,' were found the charred and distorted bodies of 11 little children and 2 women."

Mr. DOYLE. I think that that is all common knowledge.

Chairman WALSH. Where did you get the information?

Mr. DOYLE. My information is from common report, talking to various people. I believe that everything of it is correct. I have talked to a number of miners down there, and they say 2 women and 11 bodies of children were there. I don't think anybody disputes but what they were, and that they were dead. I have pictures of the caskets being in the funeral, on the wagon, and burying them all at one time.

Chairman WALSH. And your reply as to whether or not they were burned or cremated, is the same as your reply to that question when I asked you in regard to the other question?

Mr. DOYLE. Yes.

Chairman WALSH. On the next page is a statement of the names of these women and children—the dead persons—and on the outside it says, "Murdered and cremated by the gunmen militia in the Ludlow massacre, April 20, 1914." That would seem to indicate that all of the persons named, beginning with Elvira Valdez and ending with John Bartoloti, were murdered and cremated.

Mr. DOYLE. I don't think that that is the intention of it, because I do not think everybody was cremated.

Chairman WALSH. Make your explanation of it.

Mr. DOYLE. My own explanation is that some of those were murdered and cremated; that is, I believe they were all murdered, but perhaps not all burned.

Chairman WALSH. And yet the way the matter is printed it is such that a casual reader not acquainted with the facts would believe that all of those persons had been cremated by the gunmen militia in the Ludlow massacre.

Mr. DOYLE. At first reading I believe it would.

Chairman WALSH. Following down, and beginning with the name Kris Kokich, Andy Auvinen, and Cisto Croci, murdered on Seventh Street, Walsenburg, October 24, 1913, when operators' gunmen attacked strikers; that is the same Seventh Street incident, is it?

Mr. DOYLE. Yes, sir; I understand that is.

Chairman WALSH. And your same answer would apply to that, would it not?

Mr. DOYLE. Yes; I would look that information up and see what witness's testimony that is that I have.

Chairman WALSH. The next paragraph:

"Gus Marcus, died in Walsenburg, January 5, 1914, from rheumatism, contracted through inhumanity of Colorado Militia."

What is the basis of that statement?

Mr. DOYLE. I believe that a doctor at Walsenburg makes the statement that that is a fact.

Chairman WALSH. Did he make the statement to you?

Mr. DOYLE. Why, I think he wrote it, and I think that it was accepted as the truth down there. I believe that that is where that came from.

Chairman WALSH. Do you know whether or not you gave the information to Mr. Fink?

Mr. DOYLE. I really don't know, but I could easily find out whether the statement is in our office or not or whether it is in the other office. I could find out the doctor's name.

Chairman WALSH. "Eugene Chavez, killed by gunmen at Hastings, March 14, 1914." Is it not a fact that he was killed by strikers?

Mr. DOYLE. I do not know.

Chairman WALSH. Do you know any of the circumstances of the killing of Eugene Chavez?

Mr. DOYLE. No; nothing except what I have read in the papers.

Chairman WALSH. Do you know where the alleged information was gained that is contained in that statement in this bulletin?

Mr. DOYLE. No; I do not. I do remember that name, but I don't remember the first name; I remember reading the last name in the paper of a man by that name being killed.

Chairman WALSH. Bulletin No. 3, dated August 24. There are a number of statements in the bulletin with reference to the governor of the State which I have been asked to interrogate you about. This bulletin was written by Mr. Fink, was it?

Mr. DOYLE. I presume so. I think all of them were.

Chairman WALSH. Have you read this over?

Mr. DOYLE. I don't remember whether I have or not. What is there about it particularly?

Chairman WALSH. It begins: "The writer of this bulletin was raised in Pennsylvania." Does the writer of that refer to Mr. Fink?

Mr. DOYLE. I think so; yes, sir.

Chairman WALSH. And do you know where Mr. Fink obtained the alleged facts that appear in this bulletin?

Mr. DOYLE. Let us see what they are first [reading]:

"Ammons is the person who, because he owns property in Routt County, tried to threaten and compromise both strikers and operators to effect a settlement of the strike in that section."

I do not know about the language, why he used this particular language, but I do know about the facts upon which that is based.

Ammons made the statement to me that if we did not permit the mines in Routt County to operate on the settlement that he had in mind, that somebody would be sorry for it. Mr. Prentiss, an operator in that county, made the statement to me, in the presence of Frank Garnier, of Lafayette, they could not sign up and recognize the union; that they would except for the pressure that the governor was going to bring upon them to try to have a settlement secured for that county, because of the particular circumstances surrounding the county.

I am satisfied that the governor used all that pressure that was possible in making his statement as strong as it was when he made the statement that the people responsible for not having a settlement in that county, which was to be a settlement without recognition of the union, would be sorry for it.

I think that is where he got the basis for the statement. I stand back of the statement that Ammons did make the statement that the people responsible for failure to settle without recognition of the union in Routt County would be sorry for it.

Chairman WALSH. Just go on through and state what ones of those allegations you claim to have any facts within your knowledge about; and if you do not have the facts, please refer the commission to where they may be obtained.

Mr. DOYLE. The second, the next paragraph. Do you want me to read it?

Chairman WALSH. Yes. That is, if you have the information.

Mr. DOYLE. I can state just where I can get that information. This is concerning the riding down of the women.

Chairman WALSH. Yes.

Mr. DOYLE. At Trinidad. I understand that Sarah Slater will be subpoenaed before this commission, and I think that she can give the better information. I believe that is based upon her testimony before the congressional committee, as well as before the committee appointed by the Colorado State Federation of Labor, at the suggestion of Gov. Ammons.

The next one, with reference to the governor: "Ammons is the person who suggested that a committee of the State Federation of Labor"—he did suggest that, and my information is that when a wire was sent by that committee to the governor, asking the removal of Lieut. Linderfelt for slapping a boy, that such action was not taken. I think that statement was made by one of the committee themselves, and the record will bear it out. I think that is where he got that, from that investigating committee's report.

The next, I think, is correct. Based upon general information that Ammons is the person who set aside constitutional government in the strike district, and who denied free speech, the right of trial by jury, who allowed the notorious third degree to be used on military prisoners in an effort to incriminate officers of the strikers in matters in which they had no connection. I will say that I believe every word of that is absolutely true, and give my reasons for it. Men were thrown in jail without trial by jury. They were third degreed, and free speech was denied. Ammons, as the chief executive of the State, permitted by reason of the bringing of the military in the field, and letting them do anything they desired to do, and when you complained about it, would say, "I don't know. I will make an investigation." That is all I ever heard of it. I will state my own personal experience with the military in that connection, which goes to show that there is no form of control. They would throw you in jail and when they got ready they would let you out.

In November, 1913, after this commission had been bringing prisoners and others before them, I went to Trinidad to go to that city and to other camps to tell the miners that the commission was a self-appointed body—had absolutely no authority in the law—and that they should not answer a single, soli-

tary question; that they should tell the men that they should not answer a question. I went to Trinidad, and on the 25th of November addressed a large meeting of the miners in Trinidad in a hall, and told them I came for that purpose, and for them to pay no attention to the military authority; that they were just a police guard; that there was no difference between a policeman and these fellows, except that these fellows had rifles and the police had clubs and revolvers; that these fellows were here for that purpose, and that was all the military was for, for police service. That they could not cross-examine you, or anything else, and not to give them any opportunity, and to answer no questions.

The result was that the next morning about 10 o'clock Gen. Chase used deceit to get me to come to his hotel. He sent down one of his lieutenants, who told me that Gen. Chase wanted to know if he could see me at the hotel. I said, "Certainly, as soon as I got through with my work." I worked for about three-quarters of an hour, and went to the hotel with Congressman Kindel. Congressman Kindel was going out to investigate the facts and circumstances and conditions in the field. I had arranged for an automobile, had already ordered it to take him out; so this lieutenant, Congressman Kindel, and myself went to Gen. Chase's room. Gen. Chase had left there and gone into the commission's room. We sat down and got to talking about general things, and Mr. Boughton sat down and asked me some questions. I talked to him like I would to anyone else. He wanted to know if I didn't know that Zancanelli murdered Belcher, if I wasn't implicated in it. I says, "What do you mean? Are you questioning me as a matter of law, or commission, or what?" He said, "Yes." I said, "You can't do that with me, that's why I am down here, to tell these people not to do." Well, he did not seem to be pleased with that statement. He said [addressing chairman], Didn't you ask me about that?

Chairman WALSH. Yes, just give us the facts upon which you base your statement that there was no constitutional government down there?

Mr. DOYLE. I base it upon this, to show that there is not any constitutional government down there, when they can do those things.

Chairman WALSH. While you are on that point, without going into the entire matter any more than you can help, just state what was done, what was the result.

Mr. DOYLE. Well, the result was that after trying to frighten me into making any statement he wished me to make in connection with that murder he said, among other things, "If you are at all a patriotic American citizen, tell all you know about it, tell me the man's name, make a clear confession of that, and tell me everything about it," I laughed at him and told him that he could not work that kind of a gag on me.

Gen. Chase, in his cowardly way, leaned over the table and whispered into Boughton's ear. Boughton said to put him in jail until I was willing to answer questions. He did not tell me to go to jail. No. He asked me up there as a citizen to see him. Then Boughton immediately said: "Take this man and lock him in jail until he is ready to answer questions."

I tried to discuss the matter with him, and I says, "Is martial law declared here?" And he said, "Yes, sir." I says, "Do you mean to tell me that is to take place of the civil courts?" He said, "We will have no academic discussion. You will go to jail until you are ready to answer the questions." I said, "I am not in any hurry to go." I of course had to go—

Chairman WALSH. Where did you go to?

Mr. DOYLE. To jail; they locked me up in the city jail.

Chairman WALSH. Did anyone accompany you to jail?

Mr. DOYLE. Yes, two soldiers. And when I got out that night—the governor let me out, sent a special order down to Trinidad as the governor instructed to be done, and I went over to the district attorney the next morning, and I said, "Have you any charges here against me? If so, I will answer them. I want to appear if you have any." He has never had any, just a pretext—no constitutional government, simply taking a man and putting him in jail and keep him there for no reason at all. I suggested that the committee would not go any further with the negotiations until the governor released me.

Chairman WALSH. Were you going any further?

Mr. DOYLE. But to show there is no constitutional government: When this committee broke off negotiations with the operators, I was informed by a fellow who was informed by a private from Gen. Chase's office that Gen. Chase had ordered them to take me. That is the information I got, whether those are the words the general used or not I do not know. I came to Aguilar the

next morning. I spoke at a meeting and left that night and was going to come in at a certain time; but I had a lot of business to do, and I heard about this, and I cut across the country and caught a train to Denver. The soldiers—there was a detachment of soldiers at the outskirts of town at 6 o'clock when the automobile came in; they missed me and arrested and jailed all in the auto. So if that is constitutional government it is not what I call it.

Chairman WALSH. Without going over all that, state what the authority is for any statements you have made there, and unless you have the facts in your possession, tell who the commission can get that from.

Mr. DOYLE. Yes.

"Ammons is the person who, as the commander in chief, allowed the imported gunmen of the operators to be recruited into the Colorado National Guard."

If I remember correctly, mine guards testified before the congressional committee that that was a fact. One testified in particular that when he was sworn in as a mine guard he had the fingers off of one hand. One man called the officer's attention to it, who was doing the swearing in, to the fact that he had his fingers off one hand, and perhaps that was not according to law, and he should not be permitted to enlist. And the officer turned his head away and said, "I can't see anything wrong with his hand," and was not looking in the direction of his hand. I remember that distinctly. I think you can get that from the congressional committee's record.

"Ammons is the person who, when he did return, was too cowardly to meet the citizens of his State, some of whom he had slaughtered, who left the train 20 miles from Denver and sneaked into Denver under cover of darkness like a cowardly yellow dog."

The part about "too cowardly," I think, refers to getting off a train before coming to Denver. I think that was published in the press.

Chairman WALSH. The language there is the language of Mr. Fink?

Mr. DOYLE. Yes; undoubtedly.

Chairman WALSH. Was it submitted to your policy committee before it was published?

Mr. DOYLE. Not that I remember of.

Chairman WALSH. What was the date of that, August 24, 1914?

Mr. DOYLE. The bulletin?

Chairman WALSH. Yes.

Mr. DOYLE. Yes.

Chairman WALSH. Do you not think that the language used there was improper language and would tend to excite further irritation and would be mere abuse of the governor?

Mr. DOYLE. Well, I think that the language used is more in a figurative sense, to use the expression in itself, uncovering the means or methods used to return to the State, for fear he would be held responsible by the citizens of the State upon his arrival for what had occurred at Ludlow.

Chairman WALSH. Proceed.

Mr. DOYLE. This La Veta matter, referred to here, I have read of it in the press, and know that there is such a case.

Chairman WALSH. Where is that, please?

Mr. DOYLE. On page 3 of that same bulletin: "Four men were shot at La Veta, but none knows who did the shooting." That trial, I understand, is set for hearing. It is a fact that there is some such shooting and certain men charged with having done it. That comes up for trial in January in Pueblo.

Another of those—the names of the parties testifying before the State investigating committee and the congressional committee could be found in those records making statements that stuff could be based upon.

Chairman WALSH. Are there any alleged facts in that bulletin for which you will accept responsibility?

Mr. DOYLE. I would not accept responsibility for anything but what I knew was correct.

Chairman WALSH. And you have gone through all—

Mr. DOYLE (interrupting). I hastily glanced it over.

Chairman WALSH. That, however, you say was written by Fink also?

Mr. DOYLE. Yes; all of these were.

Chairman WALSH. Now, Bulletin No. 4, dated August 28, 1914—

Mr. DOYLE (interrupting). I might add before you get there that the doctor's name is Dr. Abden Aure, of Walsenburg, who gave the committee of the Colorado State Federation information concerning the men who died because of the inhuman treatment in the jail at Walsenburg.

Chairman WALSH. Now, on the first page of Bulletin No. 4, dated August 28, 1914, the second paragraph from the bottom, it reads:

"Let us take, first, the political oppression of the miners. For years the Colorado Fuel & Iron Co. and other large corporate interests have absolutely dominated the politics of Huerfano and Las Animas Counties."

Briefly, what is your authority for that?

Mr. DOYLE. Again I do not know which particular case he based it upon, but from general information I personally believe it to be correct; and any citizen who has lived any length of time in those counties, and who is willing to tell the facts as they exist, will say the same. Of course, any member of a gang will not tell anything about it. It is notorious and known all over the country; in fact, the "kingdom of Huerfano" is referred to, and Farr is called the "king of Huerfano County;" and I have heard it said that they vote sheep down there. The Mexican senator from down there—Barella—I understood, in getting in some sheep early in the fall—some of them got out of the wagon, and some boys were herding them up—and some one said: "You are getting them in too early; the election is not until November." Everyone understands it; they are absolutely controlled by gangs for the benefit of the coal companies.

Chairman WALSH. It says here, "Those interests have placed in office whom they thought would serve them best." Do you know any men they have placed in office?

Mr. DOYLE. I think the majority of them were put in by the gang's work, and they served them well after getting them in.

Chairman WALSH. "They have influenced the courts and legislatures. They have made justice unknown to him who did not belong to their political gang. The Colorado Fuel & Iron Co. has for 30 years had the power to acquit or convict, to send its enemies to the penitentiary or to let its friends go free."

Mr. DOYLE. I think that is all true. I might state in that connection that while sitting before this commission as a witness that I have been advised by counsel to testify to nothing that could be used in the conspiracy charge under which I am now, just because it could be used; and there is no doubt that the power of the Colorado Fuel & Iron Co. and the Rockefeller interests can send anyone who testifies against them to the penitentiary if they made up their minds to do so.

The district attorney testified here how the men can not get justice for injury received in the mines, and the methods concerning the juries. In the case of the Seventh Street shooting there were 11 Mexicans and 1 American on the jury; and everyone knows that there were enough Americans to sit on a jury—to sit on that jury—it is common knowledge. It is like asking a man what air is. We all know what it is; we all breathe it. Of course, if most of us were asked to give a technical explanation of what it was we might not be able to do so, but we all know what it is. It is like asking a man what air is or what water is; all of us know it.

Chairman WALSH. The third paragraph from the bottom:

"And then let us take the matter of weights. Witnesses appearing before the congressional investigating committee testified that they had always been robbed of from 700 to 1,400 pounds of coal on every car they mined. When they complained to the superintendent they were either discharged or told that 'it was orders.'"

What basis have you for that?

Mr. DOYLE. The witnesses before the congressional committee.

Chairman WALSH. Was there such testimony?

Mr. DOYLE. I understand so; and my own experience in Colorado itself, while it is not in the southern field I have been working, yet what they do in the north they will do in the south, and I believe it is worse in the south than in the north, and it was bad enough in the north. I have been searching my files trying to find a letter from a superintendent to a man telling him that it is customary that the boiler coal be given free, and for him to see that sufficient coal is had without charge; ordering the man to steal enough coal to run the plant with. I have not been able to find the letter, but I know it exists. And I can tell my own personal experience.

Chairman WALSH. Have you any other experience upon which you base this, other than that which you detailed at the beginning of your examination?

Mr. DOYLE. Yes.

Chairman WALSH. State the facts you claim that is based on.

Mr. DOYLE. I will cite a case where the weights were robbed at the Strathmore mine. The company took or had a gain of 108 pounds a car over the miners on the tare weight of the mine car. I heard about this, and I examined the scale and found two little hand weights on the scale had been turned over and loaded. They make them heavier than they should be, and they grind them out on the bottom, and those holes that had been ground out were filled with lead and painted over. I want to get that case in the record.

Chairman WALSH. Where was that?

Mr. DOYLE. At the Strathmore mine at Lafayette, which is an independent mine; but there is no doubt that it occurs elsewhere.

Chairman WALSH. What do you mean by an "independent mine"?

Mr. DOYLE. A mine not run by the big companies like the Colorado Fuel & Iron or the Victor-American.

Chairman WALSH. Then this paragraph:

"A law forbidding the paying of men with scrip in lieu of lawful money, making it illegal to compel men to trade at the company stores or live at company boarding houses, was passed in 1899. Company men testified before the congressional committee that scrip is being used by the operators to-day. Men who refused to trade at the company store or live at the company boarding house were either discharged or given such a poor place in the mine that they were forced to leave on account of not being able to make a living."

What operators testified to that before the congressional committee, or what company men, rather?

Mr. DOYLE. I can not recall any particular names, but I believe they could be found by looking them up. I believe that must be based on that evidence, but I will say that I have some statements concerning the company stores, if you want it here in the record, showing that men saved \$5 on \$30 by coming to Denver to buy goods. One man did that, and he was fired after coming to Denver.

Chairman WALSH. How many cases of that kind have you?

Mr. DOYLE. Two.

Chairman WALSH. Give any statements that will tend to substantiate any portion of what is found in that paragraph.

Mr. DOYLE. I would prefer to give a full statement—make a full statement and hand it in to the stenographer.

Chairman WALSH. Very well.

Mr. DOYLE. I will do that.

(See statement of William J. Yount in subsequent testimony of Mr. Doyle.)

Chairman WALSH. The third paragraph from the top on page 3, which is the last page of the bulletin, is as follows:

"In that same year, 1899, another law was passed making it unlawful for an employer to prohibit his employee from joining a labor organization. When the strike of 1904 was called off, 6,000 miners who belonged to the United Mine Workers were blacklisted. Many of these men have never been able to obtain a job. It is common knowledge that whenever a miner was found to have joined the union or to even sympathize with its purposes he was not only sent 'down the cannon' but blacklisted, which meant that he could not obtain work in any coal mine in Colorado."

Mr. DOYLE. I believe that is all correct. I have heard Lawson say—and he has been in the field more years than I have—that 6,000 were fired; and Mr. Field, who has been here longer than I. And I have a document that I want to read into the record that shows that the coal companies, who say they permit their men to join the union but won't recognize it, are testifying falsely when they say they have always done that, and that three years after the law was passed making it a crime for anyone to prohibit a miner from belonging to a union, that document was still in print, and it was to this effect:

"The undersigned hereby applies to the Victor Fuel Co. to be employed by said company as ——— in its mines at ———, Colorado, and as a condition to being employed by said company, represents and promises that he will not form, or be interested in forming, or join or belong to any labor organization, union, or society, and that before entering into the employment of said company, and as a condition to being employed, he will withdraw from and renounce all membership in, and obligation or allegiance to, any and all labor organizations, unions, or societies, and especially the organization known as the United Mine Workers of America.

"Should said company employ me, it will be upon the conditions, representations, and promises herein contained, and if, after such employment, it should appear that said conditions, promises, or agreements, or any of them, have been

violated by me, or that the representations, or any of them herein made, are untrue, any and all claim or claims, or rights, which I might otherwise have, to be paid for coal mined or labor performed, and which remains unpaid for, shall be forfeited to said company, and said company shall be, and hereby is, released and discharged from all liability therefor.

"Dated this — day of —, A. D. 1900."

Chairman WALSH. Where was that obtained?

Mr. DOYLE. I have had it since I came to Colorado. I got it from a fire boss by the name of Carroll, who told me he had got it in southern Colorado, and that the men had signed it when they obtained employment. I understand that in late years, since they have become civilized, they have quit that, and they don't have the men sign this any more, but they use secret methods, and they all substantiate that.

I would like to read into the record a report—a letter written on a typewriter and signed "M" on the typewriter. It was sent from some detective agency in Denver to some employee in Fremont County, with reference to keeping men from belonging to the union. It reads as follows. It is addressed to No. 8. Some detective, probably, dated Denver, Colo., May 12, 1913:

"No. 8.

"DEAR SIR: Referring to your report in regard to Nick Gormacio, barber in Williamsburg, and who you stated was employed at the Rockvale mine, Mr. Weltzel informs me that he has no one by that name on his pay roll at the Rockvale mine. Please advise me by first mail, if possible, whether this is the way this man spells his name; also where he works, what he is doing, and give his check number, if possible; also give an accurate description of him, stating age, height, weight, complexion, whether smooth shaven or wearing beard or mustache, and any marks if he has any.

"Also advise whether or not he works regularly when the mine is running and, if so, who looks after his barber shop in Williamsburg while he is working. It is necessary that we have this information.

"In the future will be pleased to have you give all the information possible whom you report, stating where they work, what they are doing, check number, if possible, etc. It is necessary that we have this information, inasmuch as we do not always get the names spelled correctly, and matters of this kind is likely to be embarrassing.

"Yours, truly,

"M."

The "Denver, Colo.," on this letter was blotted out. That was sent to me by a member of our organization from that county, stating that the barber referred to was a man who ran a little barber shop, and also worked in the mine, and was assisting members of the union who were his friends, and it was evident they were attempting to blacklist him and get rid of him for working in the interests of the union.

Chairman WALSH. The last paragraph on that same page—have you finished, Mr. Doyle?

Mr. DOYLE. Yes; I guess that would be plenty to put in there; that is strong enough.

Chairman WALSH. The last paragraph on page 3 reads as follows:

"These and many other things created the gas and dust in the minds of the 11,232 coal miners, which the 'agitators' ignited into the greatest explosion of industrial discontent in the history of labor struggles."

Where did you get those figures, "11,232 coal miners"?

Mr. DOYLE. Right following the strike, the men were scattered all over the State—that is, all over the different camps—and by the time we got them all placed we missed quite a number in the first week's payment of benefits, etc., and had to double up on some and a large number who came out and took membership cards immediately asked for transfer and left the State. Figuring from what we paid for relief when the strike first began, and the number who left on request for cards, etc., we arrived at that figure.

Chairman WALSH. You claim that figure is correct?

Mr. DOYLE. It is, to the best of my knowledge, and I am the individual who figured it.

Chairman WALSH. Now, take Bulletin No. 5, dated September 8, 1914, that reads:

"When considering the relation of gunmen to the Colorado coal strike. It is well to remember that they received \$239,645.86 from the operators for murdering 34 men, women, and children."

Commissioner WEINSTOCK. What was the number of that other bulletin you just read from?

Chairman WALSH. That was Bulletin No. 4. What is the basis for that statement I have just read to you from Bulletin No. 5?

Mr. DOYLE. I don't know where those figures as to money were got, but the 34 men, women, and children did not include the one man killed in the early part of the strike in northern Colorado. It was 34 there.

Chairman WALSH. The next paragraph:

"For 25 years the gunmen of industry, the hired armed guards of the corporations, have gone hand in hand with strikes, have, at wages of \$3 to \$7 a day, left nothing undone in their brutal, inhuman efforts to break the struggle of the workers and send them back to work broken in spirit to remain slaves to capital."

Where did you get the information upon which you based the statement that for 25 years this has been going on?

Mr. DOYLE. I don't know where he got it, but I would be under the impression that it was from various articles written on the subject. I read myself recently some article in Pearsons, I believe, purporting to give the history of the gunmen in the industry and attempting to break up unions; those are the only sources I would know.

Chairman WALSH. Mr. Fink would have to state the particular place where you obtained that?

Mr. DOYLE. I presume so.

Chairman WALSH. The fourth paragraph reads:

"The operators have always been determined that they would not obey the mining laws of the State. Realizing that their employees would soon strike to secure an enforcement of the statutes they began the importation of these so-called guards or detectives as early as January, 1913."

What basis, if any, have you for that statement?

Mr. DOYLE. I think it may be a little earlier than that, but I think that is based on reports from organizers from southern Colorado field partly, and partly upon the beating, in the month of January, 1913, of Robert Eulich, a miner, and Livoda—both were severely beaten by mine guards and robbed of their papers, because of the fact that they were union organizers.

Chairman WALSH. The next paragraph is marked again, that is about the Baldwin-Felts Detective Agency, but I see that has been covered in a similar paragraph in another bulletin about the "Pull Moose special," and I will not go over that.

Mr. DOYLE. Yes.

Chairman WALSH. Take the next paragraph:

"When the strike was called September 23, 1913, there were more than 1,000 gunmen deputy sheriffs in Huerfano and Las Animas Counties. These men were fully equipped with high-powered rifles and fully cognizant that they were employed not as guards of company property but as a guerilla band of thugs to 'clean out' the tent colonies, tyrannizing the strikers so persistently that they would be forced to leave the country."

Mr. DOYLE. I believe that is all correct. I believe the record of the sheriff's office in both counties will show that a thousand or maybe more were deputized, and I think everybody knows it; it is common knowledge that it was known. They were not there for the purpose of protecting property but to intimidate the men. The miners do not want to destroy property, the members of the union. Of course, there may be individual members in the union that do, but we are not responsible for them any more than the Government or the State is responsible for the individual action of some of the individuals that compose it.

They leave the impression that they have to have the guards to protect their property. The men are not striking against property but against injustice; they want—

Chairman WALSH. The next paragraph:

"Twelve machine guns were purchased by the mine owners and placed at points of vantage commanding the tented homes of the strikers."

Mr. DOYLE. I think that is based upon the congressional investigation. If I remember correctly, several parties testified as to bringing machine guns into the State, and no doubt the figure given is correct and made up by combining the number each one testified he had.

Chairman WALSH. Beginning with the next paragraph it reads:

"A. C. Felts, Colorado chief of these gunmen, constructed an armored automobile in the shops of the Colorado Fuel & Iron Co. It was taken into the strike

district, mounted with a machine gun, and manned by six thugs with high-powered rifles. By day this high-powered 'death special' was driven at top speed through the strike district, shooting into the tent colonies and maintaining a constant reign of terror.

"By night powerful searchlights were played on the strikers' tents, keeping them always in deadly fear of an attack that might come at any moment."

What do you say about those statements?

Mr. DOYLE. I will say that A. C. Felts himself testified, if I remember correctly, before the congressional committee that he had ordered the construction of the armored automobile at the Colorado Fuel & Iron Co. shops, that a machine gun was mounted on it and manned by six thugs. I personally saw the machine gun mounted on it, while they rode into the Forbes tents and broke furniture and tents, etc.; and more than 6 guards—52, if I remember the count—surrounded the tents, and 2 sat in the automobile. As to this death special being driven at top speed through the district, I have seen it traveling on the roads used by the men up there myself, and it, no doubt, did terrorize the people and put them in a position to know that it was used for no other purpose than to intimidate them.

The searchlights were played upon the tent colonists at various times. I myself, coming from Dawson—at the mine explosion at Dawson I went there the next day under orders from Hayes, vice president, to distribute some money to the widows of the miners killed.

Chairman WALSH. When was that?

Mr. DOYLE. In October, 1913.

Chairman WALSH. Where was that?

Mr. DOYLE. In Dawson, N. Mex. I went across there to help them, and when I got off of the train I was taken by armed men bodily and told to get off of the company's property, and men on horseback started to walk me 6 miles. I demanded the right to go to the post office, and these two men were on each side of me, and they walked me out and said, "The closest border line to this property is 6 miles," and they walked me out at night. I was picked up by an automobile, and went that night to Trinidad, over the mountains, and at every turn we made after we go to where the mountains were searchlights were thrown into our faces. It is a wonder that they did not kill men who were not concerned with the strike at all.

Chairman WALSH. Where did the searchlights appear to be located, and how did you know they were the searchlights of the operators?

Mr. DOYLE. Well, they were stationed on the company's property at their mines. I know a good many of the mines in a general way when I see them, what particular mine they call it, and these searchlights were over on a tippie or on a hill on a frame of their own, and I know it was company property, because I don't know of anybody else who would have the gall or impertinence to interfere with others on their own business other than the mine guards, with the backing of a powerful concern like the Colorado Fuel & Iron Co., and there were mine guards up on the hill with rifles on what I know was company property.

Chairman WALSH. The following paragraph contains the same figures alleged to have been paid out by the coal operators, \$239,645.86, and I believe you said you did not know where those figures were obtained?

Mr. DOYLE. That is correct; I do not know.

Chairman WALSH. The last paragraph on that page is as follows:

"Men known to have been active in the union were waylaid, robbed, and beaten, their wives abused and their children tortured by these fiends in human form. Homes were robbed and destroyed."

What basis, if any, have you for that statement, Mr. Doyle?

Mr. DOYLE. Quite a number testified before the congressional committee, as I understand it; but I have a statement here about men being beaten, waylaid, robbed, and killed that I would like to introduce in evidence.

"1903. Homes of John R. Lawson, William G. Isaac, William Doyle, Evan R. Davis, John and James Doyle, local strike committee, were blown up with dynamite, New Castle, Colo., December 17, 1903."

That was in the other strike.

"Segmund Desantos, James Vilano, killed by guards near Segundo December 7, 1903. James Kennedy beaten up in Walsenburg, 1903."

Kennedy was an organizer.

"William Warjohn, national organizer, beaten up at Sargents, Colo., by Reno gang."

They run a detective agency.

"1904. John R. Lawson shot by Mine Owner P. C. Coryell May 28, 1904. William Maher, Henry Mitchell, local organizers, beaten up at Engleville by guards January 24, 1904. Charles Demolli beaten up in Pueblo in 1904.

"James Doneky, January, pounded up by McPherson, deputy sheriff, corner of Main Street and Commercial Street, Trinidad.

"William Fairley, James Mooney, beaten up by eight men on horseback 2 miles north of Trinidad in February, 1904."

That is the same William Fairley who was upon the conciliation board for the settlement of the present strike.

"Union miner killed by Bud Phalmer, deputy sheriff, February 24, 1904, at Dawson, N. Mex.

"Chris Evans, beaten up on a C. & S. train between the depot and the Santa Fe Crossing in Trinidad, 1904."

I think this is a repetition of the other one.

"Charles di Moll, beaten up in Pueblo on B Street, 1904.

"William Warjohn, beaten up by Reno's gang in city of Trinidad, February, 1904.

"Julian Gomez, district organizer, beaten up by deputy sheriff, Trinidad, March 1, 1904.

"Italian striker, killed in Prior, Colo., March 14, 1904, by deputy sheriffs, driven from his house for attempting to run away to save his life or while running away.

"John Faletti, district organizer, beaten up at Glenwood Springs by Reno's gang, March 30, 1904.

"John Faletti, district—oh, I just read that.

"Charles Demolli, national organizer, beaten up at Pueblo by Reno's gang, April 9, 1904." That is a different date.

"Joe Raiz, striker at Sunlight, Colo., was caught in the hills just back of camp by three masked men, tied and castrated; he was an old man close to 70 years old; he died in three days from the abuse received from the thugs in 1904, May 7, 1904.

"James Jordan, bound and gagged by thugs.

"1907. Joe Sharp was beaten up in the office of mine workers of Trinidad in the fall of 1907." He was a national organizer.

"Harry Doughtwaite was beaten up in Aguilar late in fall.

"1912. Mike Livoda was beaten up at Ravenwood in June, 1912."

There is others I have not a list of. Lipplatt was killed, and many others were threatened and got away.

Chairman WALSH. Did you furnish that information you have just detailed here to Mr. Fink for that publication?

Mr. DOYLE. I don't remember whether I talked to him or not, but the secretary-treasurer of the district at the time of the last strike in this State compiled a list and published it in one of the convention proceedings, and I have no doubt that is where he secured his information.

Chairman WALSH. The first paragraph on the last page of Bulletin 5 is as follows:

"Tourists have been treated with the same disregard as residents of the strike zone. Men and their families from other States, touring through the coal-mining section in automobiles, have been fired upon from the ambushes where these imported gunmen are wont to waylay strikers."

Mr. DOYLE. I think that is correct; I have heard miners state down there that outsiders have been interfered with by being shot at while passing on the public road.

Chairman WALSH. Do you recall who it was that told you that?

Mr. DOYLE. No, sir; I don't.

Chairman WALSH. Do you recall the specific instance?

Mr. DOYLE. I know it was down there at Ludlow while talking to the miners. Whenever I go there I get among the men and talk with them, and they tell us these things.

Chairman WALSH. Can you approximate the time the occurrences were said to have taken place?

Mr. DOYLE. Last fall, some time. My reason for remembering it being last fall is that Gov. Ammons tried to blame it upon the strikers, and I have some more to touch upon that later, if the commission will give me time.

Chairman WALSH. Do you accept such loose statements as facts, and give them publicity?

Mr. DOYLE. I think that if a miner told me that was true I would believe him.

Chairman WALSH. Did you know the miner?

Mr. DOYLE. I knew him just like I knew any other, if I met him a half dozen times and was a member of the organization on strike down there.

Chairman WALSH. The next paragraph reads:

"Persons alighting from trains in Trinidad, Walsenburg, and others of the picturesque towns of southern Colorado have been held up because they were suspected of being union men or union sympathizers. If they could not prove to these desperadoes of the operators that they were not interested in the strike they were often clubbed into unconsciousness or made to get back on the train at the point of a gun."

Mr. DOYLE. I have heard in a general way that that is correct. I do know of a man down there who came to the office one night and complained that he was badly treated by militiamen and mine guards, and he said he had no connection with the strike, and that he tried to get it in the press, and tried to call the governor's attention to it, but that there was no use. And I understand that if peddlers go down there they are immediately suspected and held up, and if they insist on going, they stop them by putting a gun in their faces. That is my general information. I presume that is where Fink got that information.

Chairman WALSH. Do you know of any instances where men were clubbed into unconsciousness by employees of the operators?

Mr. DOYLE. I have read a list here a while ago.

Chairman WALSH. And those were organizers or employees of the United Mine Workers of America?

Mr. DOYLE. Yes, sir; the most of them.

Chairman WALSH. Did you read in the list the names of persons not connected with them who claimed to have been clubbed into unconsciousness?

Mr. DOYLE. No, sir; I think that this contains only members or officers of the organization. I don't know anything personally of an outsider being beaten up, but I think there is good reason to believe there have been, and it could be found out from some one down there who lived down there.

Chairman WALSH. Do you have any further basis for it than you have given the commission?

Mr. DOYLE. No, sir; I have not; but perhaps the writer has.

Chairman WALSH. The second paragraph after that is as follows:

"The coal miners are striking only for an enforcement of Colorado laws and a wage scale equal to that in force in the neighboring State of Wyoming."

First, what laws, if any, were the miners striking to have enforced?

Mr. DOYLE. The right, first, to belong to the labor organization without interference, a right that the law gives them; an eight-hour day for all classes of labor in and around mines, coke ovens, etc. This has been given lately. Just prior to the strike the big companies put an eight-hour law into operation and worked very hard—we had another eight-hour law passed by the legislature which the interests that were opposed to it gave out—got petitions out and had the matter referred. This law was referred—not only did they refer, but they initiated another measure known as the fake eight-hour law. They didn't want eight hours, although they say they gave it voluntarily. The facts are shown by the report of the votes from those various places where the miners themselves voted against their own interests in those coal camps; and when the vote on the real eight-hour law that I completed at the same time was counted, they both carried, and I think the supreme court decided upon request of the legislature, I believe—I may not be correct in that—that the one that had been passed by the legislature and referred was the one to take preference. We wanted an eight-hour law and we had not been able to get it. The fact is that they gave it, just before the strike, in some instances, just like you would give a child something bright to play with to stop its crying, and then when it stopped, take it away again.

We asked for checkweighmen at all the mines, and that is a State law, we have that right. That has been denied us.

Chairman WALSH. In what instances was that right denied?

Mr. DOYLE. There have been many instances where miners have been denied the right to have checkweighmen.

Chairman WALSH. Has it ever been denied by the Colorado Fuel & Iron Co.?

Mr. DOYLE. Not so the public could hear it, but the men that demand it and say they want a checkweighman don't last very long in the employment of the Colorado Fuel & Iron Co.

Chairman WALSH. What is the—what is your basis for that statement?

Mr. DOYLE. The report of the miners down there in their convention, and from the miners as individuals.

Chairman WALSH. How general was that?

Mr. DOYLE. Very general. It is a common known fact that if a man were to attempt to ask for it he might just as well leave the employ of the company.

Chairman WALSH. And how about the Victor-American Co.?

Mr. DOYLE. No difference whatever.

Chairman WALSH. Did they ever specifically deny that right to the miners, or any individual miners that you know of that asked for it?

Mr. DOYLE. They go so far as to post notices that you can have checkweighmen; they don't object. But the man that knows his business knows better than to try to have one, because he will be a goat. They don't fire men outright, but they tell them to get off the tippie. Joe Ray told me about it, and another man told me. He demanded a checkweighman a couple of times, and he got driven out.

Chairman WALSH. Might that not be mere suspicion on the part of these men, if the company posted a notice that they could have them?

Mr. DOYLE. No; it is well known; they can't have checkweighmen; and if they complain even about the weights they are considered agitators and they are discharged. I have here a statement concerning checkweighmen over at the mine, not of the Colorado Fuel & Iron Co., but where checkweighmen were attempted to be put on the tippie; here is the statement:

"In the spring of the year 1912, the men at the Oakview mine complained of the coal not weighing enough, so they called a meeting and elected a committee to ask the mine manager to allow them to elect a checkweighman and examine the scales. Mr. de Hart was elected chairman of the committee and acted as speaker; the mine manager refused to allow them to examine the scales and fired Mr. de Hart, made him leave camp, and refused to allow the men to put on a checkweighman, and told the men if they attempted to do this they would close down the mine. Deputy Sheriff Aleck Young, of La Veta, with others tried to stop the men from having a meeting."

Chairman WALSH. Any other law now that you claim was involved in the—

Mr. DOYLE (interrupting). And if we at any time get a checkweighman at all to go into those camps they have got to get out.

With regard to the right to buy at the company stores or where they pleased, we claim that the men have that right, and it is a legal right and they should be permitted to exercise it, but they are not.

Their force is not to tell him, "You must deal in the company's store." At least it is understood in a nice quiet way that if you do not spend a certain percentage there and do not deal there, why you are not as valuable an employee to the company as you might be. The man who does good work and is a good workman of course is valuable to us, but he can be valuable otherwise. He can leave what he makes in the company's store. That is the sum and substance of the understanding left with the miners in the camp. I know it is the same; I have been there. I have some letters here about that in a general way.

Chairman WALSH. Now, with regard to the wages paid in the neighboring—oh, was there some other law you claim was being violated upon which that statement in the bulletin was based?

Mr. DOYLE. The mining laws were never paid any attention to until recently. There has been mining law of one kind for years on the books, but no pretense of living up to it, any miner will tell you who has been here, for years and years, until this last law has been put through; and I think a good effort has been made to attempt to put some of its provisions into practice.

The laws were passed—I have a note or two here as to that. In 1889 a law was passed making it lawful to join a labor union.

In 1897 a law was passed making it unlawful to prevent a man from joining a union. Now, that is three years before the date of this ironclad here, where a man swears away everything but his soul.

Chairman WALSH. When was that?

Mr. DOYLE. In 1897.

In 1899 the eight-hour law was passed; also 1913. In 1897 the law as to checkweighmen, which is not allowed yet. In 1899 the truck system law was passed and later there was a law for semimonthly pay day. I don't know what the date of that is—the year for that. I didn't have time to get it up.

I find here a note among my other stuff that I didn't think of when I was talking a while ago when you asked me; in this bulletin here—Matt Powell

was killed October 9, 1913, by one of the mine guards. One of the mine guards was credited with having said, "We got one of them," when he was shot off his horse. I don't know from which person I got that, but that can be verified. Mrs. Matt Powell testified before the congressional committee herself and a good many facts could be brought out or found in her testimony.

Do you want me to go right on with other stuff?

Chairman WALSH. Yes. If there are any other laws, now, that you claim are the basis for this statement that the coal miners were striking only for an enforcement of Colorado law, you may state.

Mr. DOYLE. Well, one law that is not written in the statute—the ordinary law of decency and humanity toward one another, the right to be free and be a citizen with his fellow man, the right to talk to a man, the right to go, without going as if he was a convict on parole, or being questioned if he is a stranger and going into a camp, as to where he is from—"What is your business and where are you going and what is your name;" and if you don't tell, get a gun and kill you. That is the law of humanity, and it is the right of one man to be with another and be a citizen and being respected in a decent manner without being bully-ragged.

Chairman WALSH. Now, it follows up by saying that you are only striking for a wage scale equal to that in force in the neighboring State of Wyoming. Is that true that the wages are higher in Wyoming than they are here?

Mr. DOYLE. Yes; the demand of the miners was a scale practically the same as that of Wyoming—a day wage scale.

Chairman WALSH. What is the difference in them, briefly?

Mr. DOYLE. Well, say, take the mule driver. He would get \$3.10 here and he was getting, I think, \$3.45 there.

Chairman WALSH. What other difference?

Mr. DOYLE. Well, dead work is paid for in Wyoming and is not in Colorado except in a few instances. Here and there there is a local instance of it.

Chairman WALSH. Refer to the pamphlet entitled, "The Ludlow Massacre," please; you have that?

Mr. DOYLE. Yes, sir.

Chairman WALSH. Is the illustration upon the front page a true picture of a bona fide scene at Ludlow, or not?

Mr. DOYLE. I understand so.

Chairman WALSH. It purports to show—purports to give the figure of Louis Tikas and James Filer—the bodies of Louis Tikas and James Filer lying in the foreground and Filer lying nearest to the gunmen militia who are gloating over their work.

Mr. DOYLE. I understand that is a photograph of the actual scene, and I have been down there and have had pointed out to me the positions these bodies were found in, and judging from the picture, I should say it was approximately the same place and would be actually a photograph. I think I have seen a picture of this kind before this picture.

Chairman WALSH. What basis have you for the information that a photograph was taken at that time with the militia standing round that telegraph pole and the dead bodies lying on the ground? Who took the picture?

Mr. DOYLE. Why, a man working for the newspapers took them. I have got a good many pictures that we would not have got otherwise. If a union man had attempted to take them he would have had his camera broken and perhaps his head; but the paper men took them, and we were able to secure them afterwards.

Chairman WALSH. Is this one of those pictures?

Mr. DOYLE. To the best of my knowledge it is.

Chairman WALSH. From whom did the picture come?

Mr. DOYLE. I think it is one of those that came from this press man. I don't know what his name is.

Chairman WALSH. Who received the picture from the press man? What individual?

Mr. DOYLE. I think McLennan agreed with him to take the entire set—District President McLennan.

Chairman WALSH. We are referring now to the outside picture on the cover of this pamphlet.

Mr. DOYLE. Yes, sir.

Chairman WALSH. I notice on the first page the following:

"The Ludlow Massacre, by Walter H. Fink, our publicity agent, is an authentic and interesting narrative of the sufferings of the Colorado coal miners, their wives, and children. Mr. Fink has been in active touch with the situation

since before the strike, and with his experience as our publicity agent there is none better able to write a story of the struggle."

What did he have to do with it before he became your publicity agent?

Mr. DOYLE. He was on a paper in Denver; he was on the Denver Republican and used to keep in touch with the office there for as much information as we would give him, and I remember that I called him down on the phone and told him I didn't have any time to waste giving him information when he was working on the other side. And that is the first acquaintance with him, and he was trying later to get all the information he could out of the strikers' organization.

Chairman WALSH. And did that include the time before the strike?

Mr. DOYLE. Yes; we had the northern strike on. I don't know how long he was on the Republican before we had a strike in the south. I remember he called—

Chairman WALSH (interrupting). Then follows: "We believe so thoroughly in the ability of Mr. Fink to write the real story of the strike that we have had him at work for the past eight months compiling a history of our fight in Colorado since 1876."

Mr. DOYLE. We have him writing a story; yes, sir; and we believe he will make a good job of it.

Chairman WALSH. Then that is signed, I notice, by yourself and Messrs. McLennan and Lawson?

Mr. DOYLE. Yes. This letter here is a letter to organized labor. This pamphlet is not the organization's; it is not gotten up by the organization. It is gotten up by Mr. Fink as an individual; and this letter in front, the introduction to it, is a letter to organized labor, which Mr. Fink wrote up to put in the front of the book, as is often done by people associated with the movement, and the book itself has no connection with the organization. You will notice the price, 25 cents, and the note at the bottom, copyrighted. He copyrighted that in his own name. It is his own affair, and we have absolutely no connection with it, or haven't sold it, or anything to do with it. It is for any individual who wants it or not, to buy it from Mr. Fink, and it is his own affair.

Chairman WALSH. Were the proceeds from this book, so far as you know, entirely the property of Mr. Fink?

Mr. DOYLE. Yes. In a number of instances post-office orders or checks were sent to me, or stamps, for the book—to buy the book, and in all instances I have turned the money over and accepted a receipt from him and informed the parties that I had no connection with the book.

Chairman WALSH. Now, did yourself, or to your knowledge, Messrs. McLennan and Lawson, read the proof of what was to go into this book, or rather read the matter, before you signed the introduction?

Mr. DOYLE. I don't recollect clearly whether we went into it or not, but I know that a number of times—Fink got it up in his spare time—and he mentioned a number that he was going to put into it, and just in a general way; but I don't recollect whether we went over it or not. We went over several matters he wrote, one particularly, the history he is writing now; and I guess we went over some portions of it that he is writing, a half a dozen or eight or ten times since he commenced writing it, at various times, when something new came in; but I don't know—he wrote this letter and brought it into the office and said he was going to put this letter in, and we paid little or no attention to it and said go ahead; we know you will put the best you can get into the book for the price.

Chairman WALSH. Now, I notice there are 91 pages in that book. Have you gone through that book since you were subpoenaed to produce it along with these other publications to ascertain what, if anything, in it was given out by yourself or Messrs. McLennan or Lawson?

Mr. DOYLE. No; I have not; I have been extraordinarily busy since this convention has been here on account of the convention of the strike and several other matters I have had on my mind, so that I have not even had time to properly prepare, as you see. When I was asked to come before you I intended to have a copy of everything so I could just give a copy of everything I have to your stenographer; but I have not had time and have been working even at night on other matters. I have not had time to go over that, and for that reason I couldn't tell you what particular things are in the book. Since it came out from publication I have read only something, some reference that was made or looked up; but to read the book right through, I have not done that even since it was published.

Chairman WALSH. I notice in going through here there is a great deal of it might be termed editorializing or argumentative.

Mr. DOYLE. Well, perhaps so.

Chairman WALSH. The commission thinks perhaps I had better take the marked places and ask you about them. I will take certain places marked in it by Mr. Welborn, who handed it to the committee. Now, take the first page headed "The Ludlow Massacre," and the first marked passage is this:

Commissioner WEINSTOCK. Just one point, Mr. Chairman.

(Here followed a moment's conference out of the hearing of the reporter.)

Chairman WALSH. What was the object of writing or signing the introduction that appears in the first part of this book?

Mr. DOYLE. Well, the same object there would be as a statement issued in any book—a matter of—Mr. Fink is not known except to those who knew he was connected with the United Mine Workers a while; and it was simply to let it be known, in fact, that he was in a position here to get information or pictures or something of that kind.

Chairman WALSH. Was it intended to vouch, at least to the friends of your organization and to the public generally, for the authenticity of the alleged facts contained therein?

Mr. DOYLE. As much that, as I understand it, when he wrote the letter and brought it in; it was as much for his sales as anything else. He desired to sell.

Chairman WALSH. Was it your intention, in stating that it was an authentic and interesting narrative, that the public generally should accept the alleged facts contained in there at 100 per cent value?

Mr. DOYLE. I think so, as nearly as it could be gotten at; yes, sir.

Chairman WALSH. Well, we will take the first page, and the first marked passage is this: "John D. Rockefeller, jr., had just preached the word of God to his Sunday-school class in New York City." Do you know anything about that?

Mr. DOYLE. Why, I suppose he must have written that on Monday morning.

Chairman WALSH. Commissioner Ballard wants to know if you stand for this cartoon in here, "Gov. Elias M. Ammons, spineless tool of the coal operators"?

Mr. DOYLE. What page is that?

Chairman WALSH. Page 64.

Mr. DOYLE (laughing). I hadn't anything to do with it; but when I first saw it I was coming from the East, and I saw that cartoon in the paper. I thought it was pretty good in a figurative sense to show that he really was the baby of the coal operators; that he didn't have any mind of his own; and that they had to take care of him.

Chairman WALSH. Was it in some paper before it was published here?

Mr. DOYLE. I think so; yes, sir. I think I saw it in some paper.

Chairman WALSH. He means the statement under the picture, "Gov. Elias M. Ammons, spineless tool of the coal operators."

Mr. DOYLE. Well, I don't know the purpose of writing that, except the general impression. My impression is that he is and has been a spineless tool of the coal operators. I think his action and his failure to act demonstrates that he did not have courage to do what he ought. He would say: "I want to do what is right," and it was never done. It seems he did not have the courage to do it. And I presume the word "spineless" meant that he did not have courage, and being the tool would mean he served them in certain interests. Whether it was willful or not remains to be seen and found out as time goes on. But there is no question but what his acts tended to help the operators as against the miners, in my opinion.

Chairman WALSH. Now, Commissioner Weinstock would like to ask you one question on the topic, first, of this publication.

Commissioner WEINSTOCK. I am not sure whether this is a misprint. It may be in the nature of a misprint or an unhappy way of presenting a fact. In the introduction signed by Walter H. Fink, in the last paragraph beginning with the eighth line, it reads: "That men and women must forego their right of trial by jury and other injustices." Are we to understand by that that the writer regards a trial by jury as an injustice?

Mr. DOYLE. I don't know what that meant. Read it.

Commissioner WEINSTOCK. "That men and women must forego their right of trial by jury and other injustices."

Mr. DOYLE. Must be some mistake in that thing there, unless it is not punctuated.

Chairman WALSH. I think that phrase, as suggested by Mr. Lennon, would refer to the foregoing of trial by jury.

Mr. DOYLE. That they must forego the right of trial by jury.

Commissioner WEINSTOCK. Perhaps it is an unfortunate phrasing.

Mr. DOYLE. Perhaps it is. I never read it carefully before.

Chairman WALSH (reading):

"That men and women must forego their right of trial by jury and submit to other injustices."

Inasmuch as I have been requested to do so, and this has been marked, I will ask you these questions as to your responsibility for all this; that is, as to what you know about it and what you can——

Mr. DOYLE (interrupting). All right.

Chairman WALSH (reading):

"The Ludlow Massacre gives the workers of the country the first complete and authentic story of the Colorado coal miners' strike."

Does it?

Mr. DOYLE. I think that it gives the first complete story of it, and I believe it was the first story that was authentic so far as the actual Ludlow affairs have come out. In fact, I believe so now. I believe it could be made more horrid since the testimony came out before this commission, and yet be true. For instance, the burning of the tents. That has always been denied by them until it was given out here, and they were squealed on, as it were, by the fellow that knew and would not testify before.

Chairman WALSH. I find the following marked here [reading]:

"The cost of the eight months' industrial conflict is estimated at \$15,000,000. The figures include \$700,000, representing the State's expense in maintaining State troops in the field until the arrival of the Federal forces; an estimated cost of \$6,925,000 to the union and a loss of 'several millions' claimed by the operators."

What does that mean?

Mr. DOYLE. I don't know, except some magazine writer; I don't know whether it was George Creel or not, or who it was, wanted some information as to the general cost, and I gave him a clipping that come from, I think, the Denver Post, putting it at fifteen millions, including the workers, the coal miners, the railroads, the companies, and all the relief, and all. I don't know whether that is the source it came from or not. And I presume the \$700,000 to the State, I think, was got at that same way—from that same information, for the same party, from the State auditor's office.

Chairman WALSH. And then the estimated cost of \$6,925,000 to the union, how was that figured?

Mr. DOYLE. I don't know how that was figured unless it was trying to figure what the union men might have earned, plus what benefits the union paid at the time.

Chairman WALSH. That is, what the miners would have earned plus the benefits that the union itself paid out?

Mr. DOYLE. What they would have got: yes.

Chairman WALSH. Yes; had they been at work?

Mr. DOYLE. Yes.

Chairman WALSH. Now, the next marked paragraph is this [reading]:

"It seems impossible that here in supposedly free America, men, women, and children must be slaughtered, mothers with babes in their arms must be ridden down and maimed by a man like Adj. Gen. Chase, a plant lickspittle of the operators; that the motherhood of the Nation must be submitted to robbery, abuse, and fiendish outrages; that men and women must forego their right of trial by jury and other injustices that they may force the capitalist-owned State and county executives to enforce the laws and reestablish constitutional government."

Have you anything else to say that you might have in mind as a basis for the statements made there other than what you have already given in reply to the questions asked you in regard to the same matter which I note appeared in the bulletins and which you have already been questioned about?

Mr. DOYLE. Well, I should say that the reference to the supposedly free America, that if the writers of our school readers would attempt to put in one-half of what is practiced in the name of government and patriotism, we would have a different set of institutions. I was raised up in the greatest and most glorious land of justice; but I have come to see that those exaggerated statements are not true, because men are not free, and justice is not done, and crimes are committed in the name of justice; and I think it is a shame and a ridiculous shame to the State to have it said that mothers and babies were slaughtered—and they were slaughtered at Ludlow, there is no question about

that in my mind; and it is also a ridiculous shame that a general of the State militia, with his troops, should ride down women and saber them, which was done down in Trinidad. I think "The lickspittle of the operators"—I don't know the technical definition of "lickspittle," but I think it is a very good term to apply to a man who would serve the interests of the operators, as verified to me, to my own satisfaction, as Chase has served them in Colorado. And I think the very act itself—I think motherhood has been abused. I don't know so much about the fiendish outrages except in the statements made before the congressional committee. Those witnesses could make them themselves. But I think the condition of some women in those camps and the excitement caused by the militia in a brutish way in bluffing or bad treatment of men in the immediate neighborhood, and coming to the ears of women under those conditions, certainly it is a disgrace and shame to have it occur in the State. In fact, on the night after the Ludlow affair women gave birth to children, I understand. In fact, one woman was killed and was picked up from that slaughter hole and gave birth to a child after she was three days dead, on a slab in an undertaking parlor in Trinidad. And I think it is a shame in any country to tolerate such a thing under a flag which we all would respect; and then to think such a thing would occur. I think it is a very good strong statement, and I think I would be a long time before I would be able to write one like that myself.

Chairman WALSH. Referring to the next page headed "The Ludlow Massacre," now the third paragraph. Now, this is the part of it that is marked [reading]:

"They were a happy, care-free audience of 21 nationalities, thinking of nothing but the freedom from industrial and political slavery that they were willingly purchasing by an incessant war with the elements, with the imported assassins of John D. Rockefeller, with the corporation-owned State and county officials of Colorado."

What basis have you for that statement? What is the basis of that, if you know?

Mr. DOYLE. Well, I would imagine that he wrote that statement on the basis that there were 21 nationalities. I think there are more. I don't remember the exact number, but I think there are more than 21 nationalities in the mines. I think they were making a fight for freedom from industrial and political slavery. I think if ever there was a fight made for such principles that was justified. I think that there was never a strike more justified than this one; and I think that that is plainly shown by the willingness of these people to go out from their huts, leaving their tents and go out on the prairie and not only endure the hardships that necessarily go with a strike, in the shape of the lack of proper necessities of life, proper clothing for their children, medical attention—for all that goes with a fight of that kind—in order that they may win this, that they may not be assassinated in the night while in their beds by the bullets from the guns of the mine guards who would stop at nothing, in my opinion, to drive them to work or drive them from the State in order that the slavery from which they are trying to be liberated might be fastened on them.

Chairman WALSH. The next paragraph contains a statement that these strikers had lived in hovels like hogs. What basis of fact is there for that statement?

Mr. DOYLE. Which paragraph is that, Mr. Walsh?

Chairman WALSH. The second one, there is a short one between that and the one I asked you about, the 21 nationalities.

Mr. DOYLE. I presume he has based that on written statements, upon statements made by miners. I have heard myself miners make statements in the convention about the terrific conditions that they lived under, the terribly bad condition of the shacks. They called them shacks. They were such that the wind used to blow the snow in through the cracks, and when there was no snow the sand would blow in. They said they had to burn up an awful lot of coal to attempt to keep warm. One side would roast, being next to the fire, while the other side would be freezing, and they would have to reverse the order once in a while to keep from freezing altogether. That in some instances they would have to burn more coal than would pay for a decent house, if there was one to be had.

Chairman WALSH. Commissioner Ballard asks to have one question asked. We are going to adjourn a little earlier this evening so that you can begin on

another part of the examination Monday which will be conducted by Commissioner Weinstock.

Mr. DOYLE. I have some other matters I should like to get into the record, and if it could be, I should like to take the stand and finish the job.

Chairman WALSH. You will be put on the stand the first thing Monday morning, as I understand it.

Mr. DOYLE. The reason I mention that, I would like to be put on and finish this matter and complete it.

Chairman WALSH. I was asked, of course, to examine you to begin with. Commissioner Weinstock is really going to conduct the main part of your examination.

Mr. DOYLE. That will be good.

Chairman WALSH. Mr. Ballard wanted me to ask you where you obtained copy of telegram, the original of which was afterwards produced, which was addressed to J. F. Welborn, signed by John D. Rockefeller, jr.?

Mr. DOYLE. Is it the telegram that brought this inside information out, the inside secret information, the communication between Welborn and Rockefeller, you mean?

Chairman WALSH. Yes, sir.

Mr. DOYLE. Dated April 20?

Chairman WALSH. Yes; April 20.

Mr. DOYLE. Why, I would state that the giving of that will undoubtedly cause some family to suffer. The man is a friend of humanity who gave it, and wanted to show what was going on, and if I name the source it would put the man in a position to lose his job, and his family suffer, and I do not want to tell it. I would not like to tell it for that reason. I would be perfectly willing to tell the source, or I could tell the members of this commission and trust them not to injure the man in any way.

Commissioner BALLARD. I do not wish you to state the name, but just state the source.

Mr. DOYLE. It would be possible for it to be traced to the man, but if a way could be found to get this man a position, in case he loses his present position, I will give it gladly, and I think he will consent.

Commissioner BALLARD. What I mean is, does your organization maintain, in the Western Union force, a paid spy who will give out telegrams that are sent from one party to another?

Mr. DOYLE. Absolutely not.

Chairman WALSH. Then it is not a paid man, whoever it is?

Mr. DOYLE. No, sir. It did not come from any paid source at all. It came from some one whose heart beat for the women and children of Ludlow, who knew that the great power of the Rockefeller interests was trying to crush them to earth. He gave it out, I believe, and he took the chances—he did not know me, whether I would protect him or not, but he took the chance of going to the open and losing his job and having his family suffer if I was not the one who would keep his confidence. I think that he simply wanted to let the world know what has been known since and has resulted in bringing out communications that show what the richest man on earth is doing to fight the humblest miner that they brought here. I think the man's purpose in giving it was only through the patriotic desire of an American-loving citizen, believing that he was doing his sole duty, even if he had to suffer for it.

Chairman WALSH. The commission will now stand adjourned until Monday morning at 10 o'clock.

Please resume the stand at that time.

(At 4.25 o'clock in the afternoon of this Saturday, December 12, 1914, the commission adjourned until Monday, December 14, 1914, at 10 o'clock a. m.)

DENVER, COLO., *Monday, December 14, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Ballard, O'Connell, Lennon, Weinstock, and Harriman.

Chairman WALSH. You may proceed now, Mr. Weinstock.
Please resume the stand, Mr. Doyle.

TESTIMONY OF MR. E. L. DOYLE—Continued.

Commissioner WEINSTOCK. Are you ready, Mr. Doyle?

Mr. DOYLE. Yes, sir. But, first, I want to offer this testimony that I referred to Saturday. I was to find out where it was taken. It was taken at the coroner's inquest before the coroner's jury at Walsenburg.

Chairman WALSH. Is the date on it?

Mr. DOYLE. No; the date is not upon it. But it was taken the date the inquest was held. It was taken before a coroner's jury.

(The testimony submitted by the witness is printed among the exhibits at the end of this subject, under the title "Doyle Exhibit No. 1.")

Commissioner WEINSTOCK. You are the secretary-treasurer, Mr. Doyle, of the United Mine Workers of America?

Mr. DOYLE. Yes, sir; I am the secretary-treasurer of district 15 of the United Mine Workers of America.

Commissioner WEINSTOCK. I take it that you are here in your official capacity as secretary-treasurer of the United Mine Workers of America?

Mr. DOYLE. Yes, sir; both as an official and as a mine worker.

Commissioner WEINSTOCK. And also—

Mr. DOYLE (interrupting). And also, personally, as a laboring man and miner.

Commissioner WEINSTOCK. And also as a citizen?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Will you be good enough to explain specifically just what your duties are as secretary-treasurer of district 15 of the United Mine Workers of America?

Mr. DOYLE. I have not a copy of the constitution with me, but can very easily get a copy and make it a matter of record; but, in substance, it says that the duties of the secretary-treasurer shall be to take care of the official documents of the organization that affect that particular branch, and handle the finances and make reports, and do the ordinary clerical work in connection with the secretary's duties.

Commissioner WEINSTOCK. That is, all the correspondence, all the official correspondence, passes through your hands?

Mr. DOYLE. Yes, sir; all that affects the district as a district.

Commissioner WEINSTOCK. And you are the custodian, I take it, of all that correspondence?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. All letters that are sent out from your office are copied and the copies kept in your files, are they?

Mr. DOYLE. Yes, sir; that is, since I have been secretary.

Commissioner WEINSTOCK. How long have you been secretary?

Mr. DOYLE. I have been secretary since the 1st of April, 1912.

Commissioner WEINSTOCK. Then you have been secretary all through this recent trouble?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. As treasurer, I take it, that you also handle the funds of the union?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. You handle all the receipts and all the disbursements?

Mr. DOYLE. Yes, sir; all that are handled directly through our office.

Commissioner WEINSTOCK. Are there any receipts or disbursements that do not come through your office?

Mr. DOYLE. It all comes through our office, but is handled in lump sums through the suboffice.

Commissioner WEINSTOCK. Do you have a regular system of accounting in dealing with your finances?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. You keep a cashbook, ledger, journal, etc.?

Mr. DOYLE. Yes, sir; everything but the red-tape part; we keep the practical part.

Commissioner WEINSTOCK. Are your accounts ever audited?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. By whom?

Mr. DOYLE. By the international representatives, appointed by the international organization.

Commissioner WEINSTOCK. They go through your accounts and verify them and send in written reports?

Mr. DOYLE. Yes, sir; they report to the international officer; they are reported to the international officer.

Commissioner WEINSTOCK. I take it, Mr. Doyle, that you have been present at the greater part of these hearings, and have either heard or read the testimony of the witnesses who have preceded you?

Mr. DOYLE. No, sir. I have been here, outside of the time I have been on the stand, two days in all, made up of two half days and one full day.

Commissioner WEINSTOCK. You have heard the various charges and accusations brought by the operators and their representatives and their sympathizers against the United Mine Workers of America?

Mr. DOYLE. I have heard them a good many times, and I think they have nothing new to charge, and they simply made a repetition here of what they have been charging elsewhere.

Commissioner WEINSTOCK. Well, in the interest of fair play, the commission feels that it is only justice to your organization, the United Mine Workers of America Association, should have every opportunity to meet and dispute or refute the charges that have been made. And with that end in view I shall put these questions to you and would ask you to answer them as briefly as you can and to the point. Avoid digression, if it is possible to avoid digression.

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Does your union believe in the maintenance of law and order?

Mr. DOYLE. Yes; absolutely.

Commissioner WEINSTOCK. What is the attitude of your union in the matter of violence in labor troubles?

Mr. DOYLE. We are absolutely opposed to violence either in labor troubles or otherwise.

Commissioner WEINSTOCK. Has your union ever disciplined members for having resorted to violence in labor troubles?

Mr. DOYLE. We have never attempted to assume the position that we should substitute ourselves for the civil courts. We leave that to the operators to do.

Commissioner WEINSTOCK. I see. Is there anything in your by-laws or in your resolutions adopted by your union that states that the union as a union is opposed to violence?

Mr. DOYLE. I think the principles of the organization as stated in the preamble of its constitution would fully cover that matter in so far as there was any necessity of its being in any document of the organization, a copy of which I will introduce, if you wish.

Commissioner WEINSTOCK. I see. Well, any member who resorts to violence in labor troubles is breaking the law of your union?

Mr. DOYLE. And breaking the law of the land; yes, sir.

Commissioner WEINSTOCK. And also the laws of your union?

Mr. DOYLE. There is no particular law of our organization which says, "Thou shalt not kill," "Thou shalt not steal"—

Commissioner WEINSTOCK. But Mr. Doyle, your time is very limited and the time of the commission is limited, and we will appreciate it very greatly if you will confine yourself as nearly as you can to answering directly. If I, as a member of your union, having read your constitution and by-laws and having agreed to live up to them, should resort to violence—deliberately resort to violence in labor troubles—would I be violating my obligations to you? Would I be breaking the union rules?

Mr. DOYLE. First, as a citizen you would, and as a member of an organization that has no purpose in committing violence, you certainly would be doing that which is contrary to the principles upon which our organization is agreed, whether it is stated in writing in the constitution or not.

Commissioner WEINSTOCK. I would be a bad member?

Mr. DOYLE. You certainly would be.

Commissioner WEINSTOCK. If I should break any of the other rules of the organization, would you discipline me for it?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Then if you would discipline me for breaking the other rules of the union, I take it you would also discipline me for breaking that rule of the union?

Mr. DOYLE. Our organization would not—you want brief answers, but when you ask a question that is so general, I would take it that I have a right to explain it—that our organization does not, as an organization, guarantee to the assessor of the county that it will collect the taxes of anyone that is a member of the union; nor do we guarantee to the courts that we will see that a member is prosecuted for violating the laws of the State simply because he is a member of the organization.

Commissioner WEINSTOCK. Yes; I understand that perfectly, Mr. Doyle, that it is not your function to assume the police duties of the community.

Mr. DOYLE. That is what I say, Mr. Commissioner.

Commissioner WEINSTOCK. But if I break a rule of your union, isn't it the duty of the union to discipline me for having broken a union regulation?

Mr. DOYLE. Exactly the same as if you were a member of a fraternal order and broke a fraternal rule.

Commissioner WEINSTOCK. You tell me, then, that if I as a member of the union would break a rule—commit violence in labor troubles—that you do not sanction that?

Mr. DOYLE. It is absolutely against our principles.

Commissioner WEINSTOCK. What does the union do to bring those of the wrongdoers—those who break a union rule—what does the union do to discipline them?

Mr. DOYLE. We have in our organization for anyone that violates a rule of that kind—we have means, channels, and courts established, from the lowest court in the organization to the highest, to discipline that member. If a member commits a breach of the law of the State and that is against the principles which our organization stands for, we don't go into the private courts and prosecute that member. That is the duty of the State to prosecute him for that.

Commissioner WEINSTOCK. Evidently, Mr. Doyle, I have not made myself plain to you. Let me repeat my question again, succinctly, and I will ask you to answer it directly. You testified a few moments ago that a member of the union who commits violence is not only a lawbreaker in the eyes of the law, but is a lawbreaker in the eyes of the union—he has broken a union regulation, a union rule. You stated, further, that the union makes it a practice to discipline its members who break union rules.

Now, has your union ever disciplined any of its members for violations in labor troubles, for breaking the union rules by committing violence in times of labor trouble?

Mr. DOYLE. You are trying to take the matter up, and I want to state plainly as I can in the beginning. Are you asking the question—is it your assumption that our organization should take the place of the State and enforce the State laws, simply because they are members of our organization?

Commissioner WEINSTOCK. Certainly, no; your organization has not that province. I understand fully about that—that there is a State law which provides for that.

Mr. DOYLE. Your question would infer it.

Commissioner WEINSTOCK. No; but has your organization power to punish me, as a member of your union, by fining me or by dispelling me or disciplining me in some other way?

Mr. DOYLE. I will answer that by saying that if the member were an officer of the union or a delegate to a convention or a member of a union, and in an official act would cause the union to do something that was directly contrary, which would be contrary to our principle, of any particular branch, that particular branch would have to have the man come before that branch of the organization for its action as such. But the organization ought not and is not and should not be any more responsible for an individual violation of law than would the State be responsible for the individual action of one man who committed murder.

Commissioner WEINSTOCK. Evidently, Mr. Doyle, I am unfortunate this morning in not being able to make myself clear. The union stands for a minimum wage, does it not?

Mr. DOYLE. It attempts to.

Commissioner WEINSTOCK. What is done to a member who deliberately and knowingly works for a wage less than the minimum?

Mr. DOYLE. If a man works for less than the contract price, why, the organization takes it up, through its proper channels, with the employer and sees that the man is paid. I can cite individual cases, if you wish.

Commissioner WEINSTOCK. Please tell me, is that man disciplined for working for a wage below the standard wage?

Mr. DOYLE. As a rule he is.

Commissioner WEINSTOCK. All right; that is your answer. If you boycott a certain institution or a certain shop or a certain store, and I, as a union member, should knowingly and intentionally patronize that boycotted shop, am I disciplined by the union?

Mr. DOYLE. In a great many instances you are.

Commissioner WEINSTOCK. How?

Mr. DOYLE. A great many organizations fine their members for such a breach of the rules.

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. Some organizations do not. Our organization, even in this strike—

Commissioner WEINSTOCK. Yes.

Mr. DOYLE (continuing). Has failed to do so, or has just simply not done so. Even in cases of this kind, we have paid strike benefits to the strikers, and some of them have gone to work and taken those strike benefits and spent them in stores run by members of the citizens' alliance and some in stores run by the same interests against whom we were fighting in the coal business.

Commissioner WEINSTOCK. If a strike is called, Mr. Doyle, and I, as a member of your union, take a job at the place where the strike is, I become practically what is known in union terms as a scab. Am I disciplined by the union, or am I expelled?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. I am expelled because I have broken the union rules and union regulation, am I not?

Mr. DOYLE. Not only for breaking them, but for absolutely disregarding them.

Commissioner WEINSTOCK. Exactly. Now, you do discipline people, then, when they break the union rules and union regulations?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And you say that one of the rules of the union, then, is that the members are not to commit violence in labor troubles?

Mr. DOYLE. I told you it was a principle of our organization that we didn't stand for violence.

Commissioner WEINSTOCK. Very well. Now, you say that I, as a member of the union which does not stand for violence, if I abide by your rules and regulations, and despite the fact that your rules and regulations say I shall not commit violence in labor troubles, and I do commit violence and violate your rules and regulations, am I or am I not subject to discipline at the hands of the union?

Mr. DOYLE. If your act was committed in the name of the organization, you certainly would be expelled or disciplined by the organization.

Commissioner WEINSTOCK. Whether I do it in the name of the organization or whether I do it as a member of the union on my own responsibility, am I or am I not subject to discipline at the hands of the union?

Mr. DOYLE. I would only refer again to the acts of an individual citizen of the State. I do not think that we ought to be, though we are doing the work in many instances—I don't feel that we ought to be put in the light of doing that which the officers of the State ought to do.

Commissioner WEINSTOCK. Let me ask you this question. Let me put it in another form. I am not finding fault with you; I think the fault must be with myself, that I do not know how to present my questions that I may bring a straight answer. Does your union, for example, believe in accepting for membership, for instance, a burglar?

Mr. DOYLE. Our organization is humanitarian, and we accept a man whether he be black or white or colored, or whoever he may be.

Commissioner WEINSTOCK. If you knew that I was a professional burglar or a professional holdup man, would you accept me, knowingly, into your organization as a member?

Mr. DOYLE. If I knew or had proof of it, I would put you where you could not apply to any union. I would put you in the State penitentiary.

Commissioner WEINSTOCK. I would not be acceptable, would I?

Mr. DOYLE. Not to me; no.

Commissioner WEINSTOCK. Nor to your union, I take it?

Mr. DOYLE. Not if the organization knew you were guilty of that. You would certainly have to go elsewhere, because you would not be admitted.

Commissioner WEINSTOCK. Therefore your organization protects itself by not accepting or retaining, I take it, within its organization—pardon me a moment—people who are guilty of crimes; is that the fact?

Mr. DOYLE. If the employer employs a man, he becomes a member of our organization.

Commissioner WEINSTOCK. Regardless of the fact that he is a criminal?

Mr. DOYLE. We must not know he is a criminal. We must presume he is innocent until he is proven guilty.

Commissioner WEINSTOCK. Suppose he has a record?

Mr. DOYLE. If he has a record—

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. And he has evidently served the penalty, if the court has done justice itself toward this man and it has sent him to the penitentiary or fined him, he has already paid the penalty.

Commissioner WEINSTOCK. Then, you do not stop to examine the character of the man nor his qualifications?

Mr. DOYLE. We have no automatic machine by which we can test the conscience of any individual because he comes to us for membership in the organization.

Commissioner WEINSTOCK. Do you admit men regardless of character—are they eligible to membership?

Mr. DOYLE. A man may be accepted by the employer, may be a member of our organization, and if we did not admit such members to our organization the cry would go up by the employer that we were defeating the freedom of that individual member.

Commissioner WEINSTOCK. I see. Do you accept as members of your union men regardless of their moral character?

Mr. DOYLE. We do not inquire into the moral character of a man, for the simple reason that moral character had nothing to do with the right of the family to get bread.

Commissioner WEINSTOCK. Will you please explain to me, Mr. Doyle, this strange situation? According to what you have said in the last several minutes, character does not enter into membership; you simply take any man into membership who happens to be employed by the employer?

Mr. DOYLE. Our organization is built largely upon the same principles upon which our Government is built. Our Government don't go out and examine the conscience of any men who make application to become citizens.

Commissioner WEINSTOCK. I think we will save time if you will be kind enough to confine yourself to answering yes or no, as near as you can.

Mr. DOYLE. Let me tell you about that. You put questions that can't be answered by yes or no. For instance, if you should ask me if I had stopped beating my wife. If I say yes, then you ask me why I was beating my wife; and then if I say no, then you say—then you ask me why I don't stop.

Commissioner WEINSTOCK. That is true.

Mr. DOYLE. I can not say yes or no to every question.

Commissioner WEINSTOCK. Many of these questions I am trying to put ought to be answered briefly. Now, I want to get at the facts. I gather from what you say that the union is opposed to violence?

Mr. DOYLE. Certainly is.

Commissioner WEINSTOCK. I gather, further, that it is a fundamental principle of your union that there should be no violence in labor troubles?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. I gather, further, that when men violate certain rules and instructions—

Chairman WALSH. What was your answer to that last question?

Mr. DOYLE. "Yes."

Commissioner WEINSTOCK. And I gather, further, that when a man scabs, for example, breaking the union rules, he is expelled?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. You don't wait for anybody else; you do it yourself?

Mr. DOYLE. Who else would do it?

Commissioner WEINSTOCK. I understand, further, that the union does not inquire into the character of applicants for membership; that the morals of a

man are not looked into. And, as I recall, Mr. Doyle, in your testimony last Saturday, you made the statement you would accept as a fact any statement made to you by a miner.

Mr. DOYLE. If a miner made a statement to me that a certain condition existed, I would take his word for it rather than the word of some one else that did not know about it.

Commissioner WEINSTOCK. Regardless of his character for honesty or integrity?

Mr. DOYLE. I think if you will take the average percentage of workmen and the average of employers, I think their moral standard of honesty and integrity and decency will average higher than the employer.

Commissioner WEINSTOCK. That is not in answer to my question, but is going off on a side issue. The fact is that men are taken into the union regardless of character, and the fact also remains that you testified Saturday that you would accept as a fact any statement made by a miner—that is all I want to know.

Mr. DOYLE. Pertaining to his wages; yes; but if he told me that he was not a married man when he was, why, that statement would not concern me.

Commissioner WEINSTOCK. Now, coming back to my original question: Can you give this commission any instance where any member of your union was disciplined for having broken the union laws in committing violence in labor troubles?

Mr. DOYLE. I know of no instance where a man has committed violence in the name of the organization, and I have no knowledge anywhere where the facts have been brought to the attention of the organization where a member deliberately committed violence against anybody. You must know——

Commissioner WEINSTOCK (interrupting). That answer is sufficient.

Mr. DOYLE. If you don't want my full answer, all right; if you want to stop me when you think I have said enough, you may do so, but I want to finish my answer; I want to explain.

Commissioner WEINSTOCK. Very well, you may do so.

Chairman WALSH. You may make any explanation you want to, Mr. Doyle.

Mr. DOYLE. I would like to have the stenographer read back the question asked me by Commissioner Weinstock and my answer as far as I had gone.

The REPORTER (reading):

"Commissioner WEINSTOCK. Now, coming back to my original question: Can you give this commission any instance where any member of your union was disciplined for having broken the union laws in committing violence in labor troubles?"

"Mr. DOYLE. I know of no instance where a man has committed violence in the name of the organization, and I have no knowledge anywhere where the facts have been brought to the attention of the organization where a member deliberately committed violence against anybody. You must know——"

Mr. DOYLE. A great percentage of the public assumes that when there is a strike violence is committed by those who strike, when the facts are that in nine-tenths of the cases of violence it is not true. The fact is that when men go on a strike and there is violence they are immediately charged with the violence, while the facts will show, by records throughout the country, that the violence has come from the other side; that men have been paid to act as spies within the ranks of the organization and to commit violence, and when violence is committed by those paid spies the violence is charged to the strikers.

Commissioner WEINSTOCK. Your point is that employers will send in spies into the union; that one of the purposes of these spies, I take it, is to stir up the workers to acts of violence; is that right?

Mr. DOYLE. That is my understanding of it; yes, sir; my idea that I want to express.

Commissioner WEINSTOCK. Now, has your union ever expelled even those so-called spies?

Mr. DOYLE. In some instances, yes; and in some instances, no.

Commissioner WEINSTOCK. Can you cite any case during the past trouble where any such expulsions have taken place?

Mr. DOYLE. I can cite where some left themselves, and I can cite where the fact is stated by an operator himself that they have the spies in there, and we have not been able to catch them all yet.

Commissioner WEINSTOCK. But there has been no expulsion during the recent troubles, beginning. I take it, some time in 1913—there have been no expulsions in your union of members who were guilty of violence during this recent trouble?

Mr. DOYLE. I don't know of any member who has been guilty of violence—deliberately going out and committing violence.

Commissioner WEINSTOCK. And there have been no expulsions on that account?

Mr. DOYLE. Should be none if none were guilty of them, and it has not come to our knowledge.

Commissioner WEINSTOCK. Do you believe that unionists who resort to violence in labor troubles should be punished under the law?

Mr. DOYLE. I certainly do, whether unionists or operators or employers or strike breakers.

Commissioner WEINSTOCK. The charge has been made, Mr. Doyle, that unionists take the ground that when members commit acts of violence in labor troubles they are doing it in the interest of labor and hence that, right or wrong, organized labor should stand by them, should condone their criminal acts, and should defend them and in every way aid them to escape punishment. Is that so?

Mr. DOYLE. Who in the world makes such a charge? No; it is not so.

Commissioner WEINSTOCK. You say it is not so?

Mr. DOYLE. It is not so; no. Our organization is built on bigger and greater principles than such a thing as that, don't stoop that low.

Commissioner WEINSTOCK. The purpose of this commission, Mr. Doyle, as you doubtless know, is to locate the responsibility for acts of violence committed during the Colorado mining strikes.

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. It is our desire to determine, as far as we can, between cause and effect. What we want to find out, if we can, is who were the aggressors; was the violence which took place originally due to an attack first made by the hired mining guards on the strikers, or was the employment on the part of the miners—operators—of hired guards due to acts of violence first committed on the part of the strikers?

Mr. DOYLE. I will state in answer to that question that I believe that the violence commenced before the strike from the operators' side, not only by reason of the murder of Lipplatt, an organizer of the union, but also by the employing of guards and the extra activity—extraordinary activity—of the mine guards at the various mines just prior to the strike and for some time prior. But in connection with the matters of violence that may have occurred or may not have occurred in the State of Colorado during the recent strike, I think I made it clear Saturday that as to any particular case or matters affecting them directly, outside of generalities, I wish to have nothing to say before this commission, acting under advice of counsel, because of charges now up against me involving conspiracy to murder; and if I understand, as a matter of law conspiracy, can be construed to be anything from stacking a deck of cards to stealing an elephant; and I don't want to put them in a position to distort anything I say here.

Commissioner WEINSTOCK. Well, let me ask you this, Mr. Doyle: Are you in a position to furnish this commission with evidence—dependable, reliable, evidence—to show that the violence was begun by the operators?

Mr. DOYLE. I am satisfied that that is the case, and am satisfied that if a trial were had upon that general question we could produce a sufficient proof in the entire State to corroborate our statements.

Commissioner WEINSTOCK. Well, can you produce such proof to this commission?

Mr. DOYLE. If the commission will take up the matter, paying the expenses and of standing the examination, paying the counsel's services, and standing all expense of bringing them here, I will undertake to do so.

Commissioner WEINSTOCK. Were you present the other day, Mr. Doyle, when Lieut. Linderfelt testified?

Mr. DOYLE. Just a little while.

Commissioner WEINSTOCK. Let me read you some of his testimony on that very point [reading]:

"Question. Just describe, beginning at your first appearance there, down to the end of your service as a deputy sheriff, as to any trouble that took place.

"Answer. My instructions, when I went out there, was to arrest anyone who started any trouble, whether strikers or mine guards."

This occurred sometime around October 25, I think, before the militia was called out—yes.

"Gov. Ammons, Mr. Lawson, I believe, John Lawson, and Sheriff Gresham and Col. Lee was at the Cardenas Hotel, and the sheriff agreed to send out a

detachment of deputies in charge of someone who would see who started the trouble, and I was sent out in command of those deputies.

"Question. Placed in command by whom?

"Answer. Sheriff Gresham. I went out there to Ludlow, at the section house where we were stationed, and took command of it. I found, when I got out there, that there seemed to be more or less feeling between the deputies—among themselves—as toward the mine guards. Some of them did not want to have anything to do with the mine guards and thought they were in the wrong; and some thought the striking miners were in the wrong, and would discuss that; but I explained to them that their duty was simply to preserve the peace and arrest whoever violated the peace. They were going to the depot and meeting the trains at that time, about 20 men, previous to my arrival there; but they had taken these men and sent them over to Chicosa, I think about 12. I cut the patrol down to meet the train and just about got things started, getting the men lined up in some kind of order and having the horses shod in shape, and I was over at Chicosa; on my way back about the middle from the station house, and I heard firing in the direction of the section house. It was about train time. Four men had gone to the train, and as they came from Water Tank Hill were fired on from Ludlow. I was between Ludlow and the steel bridge, in the cut; there is a big heavy cut there that the railroad goes through, and the sand is thrown up, making quite a good sized mound, and they were fired on, I think, from that place. I immediately spurred up my horse and started over to the section house, but before I had gone very far heavy firing broke out from Water Tank Hill toward the section house. There is a large bank, a railroad bank, that runs in this direction [indicating] and turns under the steel bridge going to Ludlow. Below the steel bridge is the section house. The road follows this railroad track. On the side nearest Water Tank Hill, as I was riding there, I observed some heavy firing from the hill and dismounted and got behind the railroad bank with two men and returned the fire. I worked around this railroad cut on the opposite side of the road, which gave me protection, toward the station. I found the deputies that were there were driven back from all points except a few around the station house. Then a lot of men came down from Berwind Canyon and joined in with us, and we drove them from Water Tank Hill; and about 4 o'clock, or 5 o'clock I think, the fight was over. At 2 o'clock that morning a heavy snowstorm had set in and all these men from Berwind Canyon had gone back, and the situation of the station house is absolutely unmilitary for protection, and we abandoned that—that station. I in the meantime had phoned Gen. Chase.

"Question. Excuse me, what date was that?

"Answer. Well now, I think I have a copy of a telegram that would give me that. It was the Saturday before the troops came in.

"Question. The Saturday before the troops came in?

"Gen. CHASE. I can give you that date.

"Chairman WALSH. What was the date?

"Gen. CHASE. October 25, 1913, Saturday.

"Question. Was that the date, October 25, as you remember it?

"Answer (by Lieut. Linderfelt). It was the Saturday before the troops came in.

"Question. How many deputies were engaged in that fight?

"Answer. Why, I should think we had, regular county deputies, about 23 or 24.

"Question. And were there any other persons engaged in it outside of the regular county deputies on your side?

"Answer. Except these men that came down from Berwind; whether they were deputies or who they were I could not state.

"Question. About how many of them were there?

"Answer. About 60 I think.

"Question. I interrupted you when you said you got the telegram from Gen. Chase.

"Answer. That was to fix the date.

"Question. Can you give us any better information, Lieutenant, as to who these 60 men were?

"Answer. I think possibly they were storemen, miners, mine guards, watchmen. They came to our assistance, and if they had not come to our assistance we would have been wiped out."

Now, were you at Ludlow at that time, Mr. Doyle, October 25, when this trouble arose between the mine deputy sheriffs and the workers?

Mr. DOYLE. Let me see just a moment [referring to a memorandum]. I know I was not at Ludlow on the 25th; but I may have been in the Trinidad district. I see I was in the Trinidad district on the 23d of October, at the time the militia broke up—or the Baldwin-Felts people, rather, broke up the furniture in the Forbes tent colony; but how long I remained there, I don't exactly know.

Commissioner WEINSTOCK. I see. To the best of your recollection you were not at Ludlow at the time this——

Mr. DOYLE (interrupting). No; I was not at Ludlow at the time of any particular trouble there. That is how I know that.

Commissioner WEINSTOCK. Well, now, you observed from Lieut. Linderfelt's testimony, according to his statement, that the deputies were assaulted, that the first fire came from Ludlow. Do you care to say anything as to that?

Mr. DOYLE. Well, only this: You must remember that it was, according to his statement.

Commissioner WEINSTOCK. Yes. Well, let me ask you this question, Mr. Doyle: If you were a juror and there were two witnesses brought before you, both of equal credibility, you had no reason to disregard either one, and one was an eyewitness and a participant and testified to what he saw and what he heard and what he did, and the other was not an eyewitness nor a participant. Which testimony should carry more weight with you as a juror?

Mr. DOYLE. That would be governed a good deal by the circumstances—the evidence of other witnesses and who also were eyewitnesses who no doubt would testify in the same case, and would be governed by the circumstances surrounding it. If the evidence from other witnesses and the facts shown and the instructions of the court showed me that that particular witness that you have named, evidence should be taken, it would be taken by me as a juror in that case and so considered. But taking this as a case you are now stating, there is only the evidence of one man, but after talking to these miners and at different times and talking to officers of the union and others and considering the occupation of the man whose testimony you have just read and the nature of his business in that field, I am inclined to believe as a juror that I would have considerable weight coming from other sources and other persons equally as great, if not greater, than his testimony gives.

Commissioner WEINSTOCK. Well, are you in a position, Mr. Doyle, to discredit Lieut. Linderfelt's testimony on this point?

Mr. DOYLE. I talked a great deal to the miners down there, from general conversations with them—I don't think that the statement is correct. I don't think the miners could have been attacking anybody—the very looks of the thing; that tent colony itself is so far removed from the mines that it must have been the miners attacked and not the tent colony. It would seem to us that if the miners—strikers—were doing the attacking, it is natural they would go to the mines.

Commissioner WEINSTOCK. At this time, however, you are not in a position to offer any testimony to dispute that?

Mr. DOYLE. I was not an eyewitness.

Commissioner WEINSTOCK. You were not an eyewitness?

Mr. DOYLE. No.

Commissioner WEINSTOCK. I have a note here saying that Clarence Darrow, who is commonly regarded as the legal representative of organized labor, is credited with the statement that no great strike can be won on the part of labor without resort to violence. Does he voice the sentiment, so far as you know, of organized labor when he makes that statement?

Mr. DOYLE. No, sir; I don't know what his interpretation of that is, but I think that no strike can be won with violence.

Commissioner WEINSTOCK. You think that no strike can be won with violence?

Mr. DOYLE. That is my——

Commissioner WEINSTOCK (interrupting). You disagree, then, with the alleged statement made by Clarence Darrow?

Mr. DOYLE. As to what I interpret that, yes. I don't know what his meaning of his statement is, but my interpretation of that would be, I suppose, what you mean; and if that is the interpretation of it, I disagree with it.

Commissioner WEINSTOCK. It has also been said that organized labor takes the ground that a labor strike is war, and that everything is justified in war. Is that, so far as you know, Mr. Doyle, the attitude of organized labor?

Mr. DOYLE. No. A strike is really an upset of industrial conditions; there is no doubt about that—out of which war may grow as it did, I believe, in Colorado. But I don't think a strike itself constitutes war.

Commissioner WEINSTOCK. You don't think it constitutes war?

Mr. DOYLE. No, sir.

Commissioner WEINSTOCK. Therefore you would not, speaking as an official, think that everything is justified in a strike?

Mr. DOYLE. No; I think everything honorable and lawful would be justified in a strike.

Commissioner WEINSTOCK. Do you believe that any power in this Republic other than the Government itself should be permitted to resort to war?

Mr. DOYLE. I don't think that anyone should be. I don't think God himself intended men should butcher one another. I don't think we ought to have war. No man has a right to kill. It has been said, "Thou shalt not kill." No man should have a right to kill, whether the excuse is war or anything else; even hanging or capital punishment is wrong.

Commissioner WEINSTOCK. Well, under those circumstances, of course, you feel, I take it, that no power in the Republic should be permitted to resort to war outside of the Government; and I suppose you would favor the Government going to war only as a defensive measure?

Mr. DOYLE. Only in case of invasion and taking of country from them.

Commissioner WEINSTOCK. Exactly. The charge has been made that organized labor the country over contributed to the funds of the Colorado mine strikers, which funds were used for the express purpose of buying guns and ammunition to be used in fighting the constitutional authorities of the State. Now, did organized labor contribute to the funds of the Colorado mine strikers, and were those funds used for the express purpose of buying guns and ammunition?

Mr. DOYLE. Organized labor contributed to the support of the Colorado strike. Further than that, as to what they were used for, I prefer to leave unsaid until such time as trials may be over with, or anything of that kind, for fear what I may say may be wrongfully interpreted to the jury or court. But if there is any information in that line that the commission may want after what trials I may be involved in are over, with permission of counsel, I would very gladly answer any question the commission might see fit to ask.

Commissioner WEINSTOCK. I see. But at this time you decline to state whether any of those funds contributed by organized labor throughout the country have been used for purchases of guns and ammunition?

Mr. DOYLE. At this time; yes, sir.

Commissioner WEINSTOCK. Have you any union officials in Colorado. Mr. Doyle, who advocate acts of violence in labor troubles?

Mr. DOYLE. Not that I know of.

Commissioner WEINSTOCK. Do you believe that unionists are justified in violating the law in an effort to establish the closed shop?

Mr. DOYLE. No, sir; but I have very fixed ideas on the closed shop, and which I would like to explain when the opportunity comes, but I do not believe they are justified in violating any law on that.

Commissioner WEINSTOCK. You mean that if you must choose between the closed shop on the one hand, and violating the law on the other hand, you would let the closed shop go, Mr. Doyle?

Mr. DOYLE. If it was necessary they would; if we were going to live up to the law.

Commissioner WEINSTOCK. I take it, Mr. Doyle, from the testimony that has been submitted to the commission by yourself and others, that the miners demand that they be permitted to exercise their constitutional rights to join a union for any reason or for no reason?

Mr. DOYLE. Yes; we demand the right to belong to a labor organization.

Commissioner WEINSTOCK. And if you are denied that right to join a union for any reason that is satisfactory to the employers, that your constitutional rights are being interfered with?

Mr. DOYLE. Well, I presume that would be——

Commissioner WEINSTOCK (interrupting). In other words, if I as your employer should say to you "I forbid you to join the union," would that not be an interference with your constitutional rights?

Mr. DOYLE. Yes; and in this State you would be violating a law of the State.

Commissioner WEINSTOCK. Exactly. I think we will agree that an employer has constitutional rights, will we not?

Mr. DOYLE. Undoubtedly.

Commissioner WEINSTOCK. And if it is a crime, as I take it it must be in Colorado from the law which you tell me exists, for an employer to forbid his worker from joining a union, and if that worker is to—if his rights are to be

sacredly preserved on the question of joining or refraining from joining a union, has not the employer equal constitutional right to employ union or non-union men, as he may prefer, for any reason or for no reason?

Mr. DOYLE. An employer has a right to employ anyone he sees fit. Your question being a broad and general one, I would ask the privilege of making a statement in connection therewith, and that is the assumption that a man should have the right to work, as I understand your question, in any particular industry, simply because he had been so employed by the operator of that industry, without being compelled to join a labor organization; that while that is considered, talked of as a right, it is only considered upon the surface, and they never go below the surface to discuss that and have it out whether it is a right or a wrong. And I might say here that anyone that goes into an industry to work, if there is an organization in that industry, he should be compelled to become a member of that organization.

Commissioner WEINSTOCK. Then you would rob the employer of his constitutional right to employ a nonunion man for any reason or no reason?

Mr. DOYLE. Let me answer that question in my own way, and I think it will save a good many questions. I want to make a comparison. When this country was first started and there were only a comparatively few men in the Nation, we did not have the institutions that we have to-day—that is, the subdivision into cities and counties and States, etc.—but as the population increased it was necessary to have the form of government established that we have and recognize to-day. And the individual members of that society or government, whether they come from a foreign country or were born here, if they live in that society must abide by its laws or suffer the consequences, and not only must they abide by the laws and rules and regulations laid down, but they must contribute their support to the maintenance of those laws. They can not exercise the full freedom of liberty they had before when there were a comparatively few people living in this country, but they must sacrifice a portion of their individual freedom, as the Indians did, for the benefit of society. They recognize that condition, and the people as a whole forbid certain rights to the individual for the benefit of the whole, and they give up their personal rights and liberties to the extent of where their neighbors' rights begin, and they, as individual units of that society, in that way contribute to that society as a whole. The same thing existed in industrial life in the beginning, and the time was when the people individually raised cattle and butchered them, curing the hides and making their own boots and shoes, or, in other words, handled the raw material through all of its stages, from the first to the finished product; it was all done by the one individual; but now thousands of hands handle it from the time of the raw material up to the finished product; so that industry has evolved into the same complex stage as we find in the case of government, and that being the case, I say that each individual in that industry—in that industrial life—should be compelled to contribute to the support of decent conditions, fair hours, etc., just as the individual has done in society. Now, let us take an illustration; let us say that—

Commissioner WEINSTOCK (interrupting). If I understand you correctly, Mr. Doyle—my understanding from what you now state is that you would establish a law compelling them to join a union whether he was willing to or not.

Mr. DOYLE. Until some better system is found—until there is something found that will take the place of unions, as the unions are to-day, and protect all of the workmen as individual cogs in that machine—until something better is found, every man should be compelled to be a member, just as every man is compelled to pay his taxes.

If I started to keep pigs in a residence district of the city close to where you lived, you would have me stop, you would have me arrested; and I claim that in a mine where 500 men are working and an individual, say an American, comes in any says, "I will do as I please," and takes a naked light into the mine, or does anything that contributes to loss of life or injury to the men in that mine, he should be prohibited from doing that. It is the same as in the case of the pigs.

Commissioner WEINSTOCK. I understand your doctrine, then, to be this, and it is a new one to me and it is a revelation to me, that if you had the power—and I take it you are speaking officially, as you are here representing your organization—you would compel every workman to join the union, whether he wanted to or not?

Mr. DOYLE. I would tell him to do nothing in attempting to exercise his so-called American freedom—not to do anything that would jeopardize his fellow workman, but to do just the same as he would as a member of society.

Commissioner WEINSTOCK. You would compel every workman to join a union?

Mr. DOYLE. I would compel him to live up to the standard of decency and an American living wage, and to do nothing to injure a man——

Commissioner WEINSTOCK (interrupting). Well, now——

Mr. DOYLE (interrupting). Wait a minute. If there was a union in the industry in which he worked I would tell him to belong to it. If there was a substitute, something better, and the American people waked up to the fact that the same doctrine should apply in industrial life as in society, in the Government, it might take the place of the union.

Commissioner WEINSTOCK. Now, you have explained at full length what your ideas are——

Mr. DOYLE (interrupting). Not at full length. [Laughter.]

Chairman WALSH. Let us have order, please.

Commissioner WEINSTOCK. Well, you have explained at considerable length, and I take it that it is your idea—and ask you if it is not your idea—that if you had the power you would compel me, as a worker, to join a union whether I wanted to or not? Answer that yes or no.

Mr. DOYLE. I can not answer that yes or no; that would also depend upon circumstances.

Commissioner WEINSTOCK. What would be the circumstances?

Mr. DOYLE. One of them was, just as I mentioned to you a while ago, that if you could get the conditions—if there was a miracle worked—and there should be some other thing found to take the place of that which we are trying to use by organized labor to protect ourselves against those conditions in industrial life, I would not force you to join the union.

Commissioner WEINSTOCK. Take the conditions as we find them in the United States of America at this very hour, would you compel me as a worker to join a union and compel every other workman to join the union whether I or he wanted to or not?

Mr. DOYLE. I would compel him to join the union on the same principles that I would compel a man to join the society or the government or city or county or State where he lives—after the industry had reached that stage in its development where it became so complicated that the human part of the individual workman has been completely lost sight of. Something must be evolved.

If, as in the early days, you and I were working side by side as employer and employee, only the two of us, and I were to get hurt, you would show your human side and stop your work in order to personally assist me and give me aid; but if you employed 10,000 men and you were sitting in your office like Rockefeller in New York you would not run to my assistance. There must be something to take the place of that.

Commissioner WEINSTOCK. We are not speaking about any specific case or industry or locality but in regard to the principles involved.

Mr. DOYLE. That is what I am doing.

Commissioner WEINSTOCK. I want to make sure that I understood you rightly, and your attitude. And I have understood you, that if you had the power, and could make the law, you would establish a compulsory law compelling every wage earner to join a union. Is that right; yes or no?

Mr. DOYLE. I would not answer that yes or no for the reason that this is going into the record, and I do not intend my record to be shown to a man, who may never have gone into this thing as I have as an individual workman and not understand the actual conditions, and have him get on the stand and say, "His answers are unfortunate; they deny the workmen their proper freedom as an individual citizen," without having anything in that record to show why my answer was made, and to show that we believe that the great mass of people have not yet come to recognize that the same conditions should prevail in industrial life as in society and that what is good for us in our social relations is good for us in our industrial organizations in the treatment of the individual unit.

Commissioner WEINSTOCK. Where would you draw the line? Where would you compel a man to join and where would you refrain from compelling him to join, from your point of view, Mr. Doyle?

Mr. DOYLE. I think that the industry itself would answer that, according to the nature of the work. For instance, in the making of matches I believe they all ought to be organized, even though there were only five men they ought to belong to it.

Commissioner WEINSTOCK. And be made or compelled to belong to it?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. By law?

Mr. DOYLE. Either by law or by recognizing the principle.

Commissioner WEINSTOCK. How do you reconcile that theory or doctrine or philosophy with the doctrine that has been announced and pronounced by the American Federation of Labor, of which I take it you are a member in good standing, that the American Federation of Labor is opposed to any kind of compulsion? They don't want compulsory arbitration; they don't want compulsory inquiry; they don't want compulsory minimum wages. Now, if that voices the sentiment of organized labor of America, and I think it does voice that sentiment among the highest in intelligence of organized labor in America, how do you reconcile that with your statement that you would use compulsion?

Mr. DOYLE. I do not attempt to compare my intelligence with that of Samuel Gompers or any other great leader of American unions; but I do say that if the American people, and especially employers, are blind to the fact that the principles of government in this country should also apply to industrial life as well as union life, it ought to be shown to them that that should be the condition, and no employer ought to be afraid to practice in his industry what we practice in our governmental affairs.

Commissioner WEINSTOCK. With the sentiment of the representatives, the representative body of the American Federation of Labor, as I have just expressed it, you would still resort to compulsion?

Mr. DOYLE. The American Federation of Labor favors compulsion in the sense that I speak of it, for it has no objections, or never raised any, against the form of government under which we live, and we are all compelled as citizens—and if we are not citizens born we must take out our naturalization papers—to live up to those laws and obey them. Is not that compulsion? If we were birds flying in the air we would have absolute freedom, but as members of society we must forego certain liberties for the benefit of the whole; and the American Federation of Labor I never heard denounce that as a right theory.

Commissioner WEINSTOCK. Now, coming back to my original question. I want to make sure that I understand you rightly. I don't want to get a wrong impression of your attitude and your point of view. I have gathered from what has been said in the last 10 or 15 minutes that this is substantially your position, and I take it you are speaking officially; that the worker shall not only be permitted to exercise his constitutional right of joining a union, but that he shall be compelled by law to join a union, but that the mine owner on the other hand shall not be permitted to exercise his constitutional right in employing union or nonunion men as he prefers?

Mr. DOYLE. Are you through?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. I will make another explanation. The theory that most employers have and always begin on, and that the general public have always seemed to adhere to, is that we do have the right to work for whom we please and where we please and when we please and on what terms we please as free Americans; and that that is the only brand of freedom. I claim that that itself is not even freedom under the conditions as we find them to-day. We find wealth concentrated; we find the Rockefeller interests that are fighting us. They control every walk of life, industrial and social, in the Nation, and they say, if I understand your question, that we have the right as free Americans to work for whom we please and work where we please and when we please, and "Why interfere with that?" is the policy of the employer. I want to say that that right does not exist, but I want to say the wrong does exist that we have to work for the wages offered or starve to death.

Now, if I had the right to work for whom and where and when I pleased I would come to you to-morrow. I would resign as a member of a union and I would come to you to-morrow and demand to work in your office, as a lawyer, say, \$5 a day, four hours a day, work every other day; that would be trying to put into practice the theory of American freedom—to work for whom and where and when you pleased. And the employers claim that unless you allow that right you are interfering with their rights. I can not see that at all.

Commissioner WEINSTOCK. As a good, law-abiding citizen, Mr. Doyle, I am sure you take the ground that every citizen ought to be permitted to enjoy all the privileges the law gives; is that not so?

Mr. DOYLE. I certainly do.

Commissioner WEINSTOCK. And does or does not the law give the employer the right to employ a union or a nonunion man as he prefers?

Mr. DOYLE. Yes; it does.

Commissioner WEINSTOCK. Then when you go to him and say, "You shall not employ a nonunion man," are you not robbing him of his right under the law?

Mr. DOYLE. Does not nature tell me I have a right to freedom? And am I not submissive to the law when I agree to surrender a certain part of my freedom for the good of society?

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. If that is true, in order to obtain the highest degree of freedom that a man can have in this country, why should not the same principle of righteousness obtain in industrial and union life the same as applies there?

Commissioner WEINSTOCK. I do not understand you. You are talking in language that is not comprehensible to me. I asked you, does the law give the employer the right to employ union or nonunion men, and you say yes.

Mr. DOYLE. Yes; but—

Commissioner WEINSTOCK (interrupting). One moment, please. You say the law gives that right. I ask you if you are not robbing me of a privilege that the law gives me, and you make a statement that I can not reconcile with my question.

Mr. DOYLE. Speaking of a right, I would call it a privilege instead of a right—

Commissioner WEINSTOCK (interrupting). Pardon me; it is more than a privilege. It is a right, exactly the same as you say you have the right to join the union.

Mr. DOYLE. Was it right when the law gave employers the privilege of owning slaves in the South?

Commissioner WEINSTOCK. It was their right—

Mr. DOYLE (interrupting). No, sir, never; that never was their right.

Commissioner WEINSTOCK. At that time it was legal under the law.

Mr. DOYLE. Legal does not make it right, unless it is morally right.

Commissioner WEINSTOCK. That may be so, but the law gives you that privilege and the law gives you the right to exercise it.

Mr. DOYLE. I said it was a privilege; you said it was a right.

Commissioner WEINSTOCK. I have a right to stop at any hotel in Denver that I please, but if you or Jones or Brown or Smith comes in and says, "You can not stop here, you must stop somewhere else," I am robbed of that right.

Mr. DOYLE. Legality does not give a right, unless it is a moral right; that is my idea. If it was legal to hold slaves in the South, it was not a moral right.

Commissioner WEINSTOCK. Then, I understand, it is your idea that you and I should observe the laws with a string tied to it; that we should determine for ourselves whether a law is righteous or unrighteous, and that if we decide it is an unrighteous law we shall deliberately break it, because we think it is an unrighteous law, regardless of what the majority may think.

Mr. DOYLE. No, sir; we should suffer the consequences of any unrighteous law until it is broken.

Commissioner WEINSTOCK. You are right there; but so long as they are the laws am I to be robbed of my rights under that law?

Mr. DOYLE. No, sir; the people under that law ought to suffer for having tolerated the people that made that law.

Commissioner WEINSTOCK. We agree on that, exactly.

Mr. DOYLE. I am glad we agree once.

Commissioner WEINSTOCK. Now, since the law gives the employer to-day the right to employ a union or a nonunion man, would you rob him of that right he has under the law?

Mr. DOYLE. I would attempt to show him that while perhaps it was his legal right, that it was a moral wrong; and if I could not get him into a conference with me and get him out of his "I am holier than thou" attitude, I would go before the world, as I have, and endeavor to show them that that was absolutely wrong, and not only wrong, but that he should consent to a conference to adjust the matter.

Commissioner WEINSTOCK. If you and I disagree about the righteousness of a certain law, and I tried to convince you that you should abrogate your right, that you should waive it, and I failed to convince you, and you continue to feel that you are justified in exercising the right that the law gives you, am I to infer that by other measures, unfair measures, I should try to prevent you from carrying out what you believe to be your right under the law, simply because you and I can not agree about it?

Mr. DOYLE. Under those circumstances I would say that where the exercise of that legal right—we will call it legal privilege on your part—as an employer, causes loss of life, or stunts the growth of society, intellectual or physical, that I would go forth and preach the gospel and tell those men they must do everything to create influence against the ideas that you had such a right and compel you to release your hold on what was your legal privilege, as a matter of technicality, but which was a moral wrong.

Commissioner WEINSTOCK. We are at one on that; that is, if I can not convince you that it is wise and just and proper for you to abrogate the rights and privileges that the law gives you, I would be thoroughly justified in going out as a missionary and creating public sentiment by all legitimate methods to change the law and take that right from you; but pending the change of the law, however, have I any right to interfere with you in the exercise of your privileges under the law?

Mr. DOYLE. Your first question led up to that, whether I believed a man should be forced into a union, and I said—I answered that by referring to the theory of our government. Now you are coming down from generality to a particular case.

Commissioner WEINSTOCK. It applies generally, not to any particular locality or employer, but to all employers and all localities; it deals with the principle and not with any particular case.

Mr. DOYLE. All right; I think the principle is that everyone should be a member of that industrial—call it union, or fraternity, or whatever you want to call it—as we are in social life, and if not, then I think that all the findings of this commission will not solve the question.

Commissioner WEINSTOCK. Then, do you believe, in summing up, that so far as it is a law, and under that law the employer has a right to employ whoever he pleases, that he should be allowed to exercise his right under the law?

Mr. DOYLE. Yes; and I would say that to-morrow, if the operators of this State were permitted by their master, Mr. Rockefeller, to go into a conference with us as representatives of the miners, or some other man, if they are afraid of me—that if they were to go into a conference and make a settlement with the miners' representatives, that the men going to work as non-union men, and going into the same mine as the union man, it would not be long, whether it was a legal right or not, they would be for it, because they would see the justice of it. Haven't our men gone to work since the strike has been called off with those who have been at work while we were on strike?

Commissioner WEINSTOCK. May I ask this question, Mr. Doyle: Does the union demand as its right any privileges that it is not willing to grant to others?

Mr. DOYLE. Not that I know of.

Commissioner WEINSTOCK. In other words, your union demands no special favors, no special privileges?

Mr. DOYLE. I think not.

Commissioner WEINSTOCK. It is willing to give to others the same rights and the same privileges it demands for itself?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Furthermore, I take it, the attitude of your union is, you do not ask unreasonable things?

Mr. DOYLE. I think not. We can not get the reasonable, much less the unreasonable.

Commissioner WEINSTOCK. What would be the attitude of your union if this was to happen: If the employers should come to your organization and say to you, "Gentlemen, we are prepared to enter into an agreement with you, but we want to frankly tell you this: We anticipate that sooner or later we are liable to have trouble with you; there is liable to be a strike and liable to be violence. Now, in order that we may be able to protect ourselves at that time, we want you to agree to use your hands to make ammunition and to make guns for us, which we shall have at our command to use against you in the event of a strike or trouble." What would be the answer of your union to the employers if they made that demand on you and made that one of the conditions of agreement?

Mr. DOYLE. I don't quite get your drift. You mean they wanted the coal miners to cease mining coal and go into a munition factory?

Commissioner WEINSTOCK. Yes; and furnish them with ammunition and other instruments of defense and offense. Would you regard that as a reasonable demand on the part of the employer?

Mr. DOYLE. No; I think not, for the reason that the coal miners' union could not make a contract for a munition factory, since we take jurisdiction only around coal mines, and it might be there was an organization in a munition factory with whom the owners of that factory should make their contract.

Commissioner WEINSTOCK. In other words, I take it you would look upon it as a very unreasonable and very unfair demand on the part of the employers to ask the workers to put machinery of any kind, I don't care what it is, into the hands of the employers, knowing it would be used against the workers themselves in case of trouble?

Mr. DOYLE. I don't see that it has any connection.

Commissioner WEINSTOCK. To make the workers largely an instrument of their own possible destruction?

Mr. DOYLE. They are that a good deal now.

Commissioner WEINSTOCK. Suppose it was a stipulated condition on the part of the employer, would that be fair?

Mr. DOYLE. I think I can explain with an illustration, that if Congress was in session and some Congressman should introduce a bill to take over the railroads of the United States, or buy them over, and some man should come up and offer to amend it by making it unlawful for a druggist to sell turpentine in anything but pint bottles; there is no connection there at all; they don't associate one with the other so far as the industry is concerned.

Commissioner WEINSTOCK. Have you a copy of the contract or agreement that is submitted to the employers for their signature?

Mr. DOYLE. I have none with me. I think I furnished them to some of the officers of this commission; there may be some around somewhere.

Commissioner LENNON. There is an Illinois contract.

Mr. DOYLE. I think I can get one for you.

Commissioner WEINSTOCK. Perhaps I have one here.

Mr. DOYLE. I might make a correction here—they must be submitted, but there is no arbitrary submission of a particular contract.

Commissioner WEINSTOCK. Will you be good enough to look at this contract and tell me whether or not it is the sort of agreement usually submitted to employers for their signature?

Mr. DOYLE. Yes, sir; I think that is a copy of the last agreement entered into between the various independent companies who signed since the expiration of the last?

Commissioner WEINSTOCK. Right here in Colorado?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And that would be the agreement—the character of the agreement that you would expect the employers working nonunion employers to sign if they wanted to do business with the organization?

Mr. DOYLE. Provided they agreed to it, but not necessarily that one. If they came into conference with us, the whole substance of that or face of it might be changed before the agreement is entered into.

Commissioner WEINSTOCK. I find in article 4 of this proposed agreement this statement:

"The operators agree to check off all dues, initiation fees, fines, assessments from the miners and mine laborers, also checkweighmen fees, for which an order shall be signed by each miner or mine laborer, addressed to the operator, and shall be in the following form, to wit:

"To ———: I hereby authorize you to deduct, from time to time from whatever sum may from time to time be due me while in your employ, whatever sum may be due from me as dues, initiation fees, fines, and assessments to any local of the United Mine Workers of America to which I may belong as may from time to time be reported to you by the secretary of the said local, and to pay the same to the secretary of the said local; and also to deduct, from time to time while in your employ, such sum as may from time to time be due from me to the checkweighmen at the mine at which I am employed, and to pay the same to the checkweighman. It is understood that the checkweighman's wages shall have preference over other deductions. After powder, oil, and cotton are paid for the union deductions above provided for shall be made."

That is a correct reading, is it?

Mr. DOYLE. Yes, sir; I believe that is a correct reading of the form.

Commissioner WEINSTOCK. Will you be good enough to inform the commission how these fees, due fees, assessments from the miners, are used, how they are distributed, what different funds do they go into?

Mr. DOYLE. The dues, the dues that would be charged to any member, they are to go to the maintenance of the institution of which those people are members.

In our organization, under our rules, say 50 cents, the minimum dues are 50 cents, 25 cents——

Commissioner WEINSTOCK. Pardon me. What is the initiation fee?

Mr. DOYLE. That varies according with the districts.

Commissioner WEINSTOCK. What is it in your district?

Mr. DOYLE. It has been as low 50 cents.

Commissioner WEINSTOCK. Initiation?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And 50 cents dues?

Mr. DOYLE. Fifty cents minimum——

Chairman WALSH. Give the minimum and maximum in the district, Mr. Doyle, while you are at it, please?

Mr. DOYLE. Fifty cents is the minimum for dues.

Commissioner WEINSTOCK. What is the maximum?

Mr. DOYLE. Maximum, 65 cents——

Commissioner WEINSTOCK. Based upon what?

Mr. DOYLE. Cents per month.

Commissioner WEINSTOCK. I mean the initiation fee; what is the minimum initiation fee?

Mr. DOYLE. The minimum was 50 cents, regular.

Commissioner WEINSTOCK. What is the maximum?

Mr. DOYLE. Ten dollars.

Commissioner WEINSTOCK. Maximum?

Mr. DOYLE. Regular \$10 initiation, ordinary; under dispensation it has been as low as 50 cents. But it has been placed in the constitution to be charged \$25 for inexperienced miners, but I know of none ever having been collected at \$25.

Commissioner WEINSTOCK. Now, be good enough to explain just how these funds are distributed.

Mr. DOYLE. The dues which are collected by the local secretary as shown there, 25 cents per capita per month forwarded to the international organization. In the summer months in this district 10 cents and in the winter months 25, when the dues are increased to 65—50 cents in the summer and 65 in the winter. Three cents, I think, to the State federation of labor, per capita, per month; and the balance in the local treasury; all initiations in the local treasury.

Commissioner WEINSTOCK. I see. Now, what proportion of that goes into your strike fund?

Mr. DOYLE. None, except such as may be authorized by the international executive board from the general treasury, the general accumulation of this 25 cents per capita tax.

Commissioner WEINSTOCK. That is, 25 cents a month?

Mr. DOYLE. Per member.

Commissioner WEINSTOCK. Twenty-five cents a month per man goes into the general fund?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. General strike fund?

Mr. DOYLE. Not general strike, general fund, for expenses, for organizers, officers, and everything.

Commissioner WEINSTOCK. Do the strike benefits come out of that general fund?

Mr. DOYLE. They come out of that, just the same as a man would pay strike benefits, unless an assessment was put on for special strike services.

Commissioner WEINSTOCK. There are special assessments levied for strike purposes?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Now, the purpose of this article 4 is to use the machinery of the employer to gather and to collect these moneys?

Mr. DOYLE. That wording that you just read is not the wording of the United Mine Workers; is not gotten up by the mine workers, but is a document written and put into the first agreement that it was put into in this State by the employers themselves for the purpose of having protection, as they said, each of the miners signing one of those; and they kept that for protection in case an individual wanted his dues back again, something of that kind.

Commissioner WEINSTOCK. Supposing an employer, basing it on article 4, takes the ground that he does not propose to use his machinery for the union, what is the attitude of the union?

Mr. DOYLE. We have no such power to force; we will probably try to get that, and if he will not agree to the check off, and we can not get him to do it, why, it will have to be dropped. We will have to work along without it. We have contracts of that kind.

Commissioner WEINSTOCK. That is, you have contracts where article 4 is entirely eliminated?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. Have you any such contracts, for example, in the State of Colorado?

Mr. DOYLE. We have none as the one written up, but I think that the substance will be, the effect will be—at the settlement of this strike—we will have such contracts. Some of the independent operators, I understand, have now informed our president that they will continue along the same conditions as they have, as to conditions under which the contract pictured out or agreed to, and that there is some question as to whether some of them are going to collect dues off the men. If they do not, our members will have to pay their dues direct.

Commissioner WEINSTOCK. Then am I to understand that it is optional with the employer whether they will accept or reject article 4?

Mr. DOYLE. Undoubtedly. It is a voluntary contract and if he does not enter into it, he certainly has the right not to enter into it. We maintain this contract is an advantage to him—it will be advantageous to him to accept it with article 4 in—and believe we can show him by argument that it is.

Commissioner WEINSTOCK. But if you should fail to convince him that it is to his interest to adopt article 4, and to use his machinery of collection, would you insist upon it?

Mr. DOYLE. I believe that had the Rockefeller interests permitted their office boys here in the State to have gone into conference with us, and if the only thing at stake was article 4, and that alone was the thing that would prevent or cause a strike, there would have been no strike in Colorado.

Commissioner WEINSTOCK. Have there been any instances, to your knowledge, Mr. Doyle, where independent operators have objected to article 4, and it was insisted upon by the unions, and they had to subscribe to it?

Mr. DOYLE. I think not. I think the biggest objection by any of the independent operators was the question of price. They claimed that the bigger operators were going to put them out of business if they signed the union contract, and it would be hard enough financially for them to get along, without being embarrassed by any 10 per cent increase in wages.

Commissioner WEINSTOCK. I take it, then, that there has been no case, so far as you know, where an operator who is dealing with your union, has signed that contract under protest without article 4?

Mr. DOYLE. I do not remember of any single protest particularly over article 4. I remember some company did not want to sign a contract, would rather let it go without signing a contract until a general settlement, for fear that if they signed for two years, under the provisions of this contract, they would be held for two years, unless we agreed in writing that we would not, if the strike were settled upon any other general basis. But we told them our word was good, when we gave it, and it has been good since. They fell back to the old price.

Commissioner WEINSTOCK. Well, then, I gather, unless I misunderstand you, Mr. Doyle, that article 4, compelling the employer to deduct from the wages of every man in the mine a certain amount to be turned over to the union, is a purely optional matter with the employer, and that the organization—your union—does not insist upon that?

Mr. DOYLE. You can not force any employer to accept it unless it was stipulated, and when he gets a little bit of business intelligence into his head he will return to that and regret that he had not done it earlier.

Commissioner WEINSTOCK. Then do you say that there have been contracts without section 4?

Mr. DOYLE. It has been done in many instances.

Commissioner WEINSTOCK. In Colorado as well as elsewhere?

Mr. DOYLE. It is no doubt also in Colorado and elsewhere.

Commissioner WEINSTOCK. Has it been done in Colorado?

Mr. DOYLE. They do exist in Colorado.

Commissioner WEINSTOCK. When was this check-off system initiated in Colorado?

Mr. DOYLE. I am not certain. I came here in 1907.

Commissioner WEINSTOCK. Was it in operation then?

Mr. DOYLE. It was in operation then. But I think I could make a good guess at it, somewhere around 1904 or 1905, I should judge.

Commissioner WEINSTOCK. I suppose you have been cognizant, or a party to practically every contract that has been entered into since you have been secretary, signing it as an official?

Mr. DOYLE. Since I have been secretary, I have been, very closely.

Commissioner WEINSTOCK. Can you recall any one contract during your career as secretary where section 4, at the request of the employer, was eliminated?

Mr. DOYLE. I can't particularly mention any section 4. I do not know of any of them, but I can tell you that it is not so much article 4 as it is the fact of whether or not one can technically enforce them.

I might say in connection with that I do not remember any particular instance of No. 4, if such ever occurred with article No. 4, but I do know of instances, one in particular, where the organization permitted certain independent operators to operate under union conditions without even signing any article or agreement—the reason being that this independent operator had certain sums due from him to the bank, and the bank was so connected with the powers that be, that they would crush him immediately; and he was unable to produce coal until such time as we would reach a certain part of the mine, and until he reached that point, he had needed much of this money from this bank; and we permitted him to work under union conditions without ever signing a contract at all, in order that he would be saved from destruction by reason of pressure being brought to bear on the bank to make the bank call his note.

Commissioner WEINSTOCK. You misunderstand the purpose of the question. The point has been raised by employers that the union arbitrarily endeavors to compel the employer to use his machinery to collect the money from the workers to be used against the employer in a strike, and that the employer strenuously objects and protests to being a part of the machinery for his own destruction?

Mr. DOYLE. Well, the C. F. & I. and the Rocky Mountain Fuel, and the Victor-American Fuel Co. of this State have no such right to make any such claim of their own knowledge because they don't know it. They don't even know whether we grow horns under our hat; they have never met us in conference or anywhere else. Until they do meet us and find to their satisfaction, they haven't any authority or right to make any such statement; but they could have found out to their satisfaction before, had they entered into conference.

Commissioner WEINSTOCK. Then you think and you want to leave the impression that the union does not compel the employer to agree to article 4, unless it is entirely acceptable to him?

Mr. DOYLE. If they forced the strike upon the Colorado miners, which has just been called off, on the strength of article 4, they have done themselves an injustice as well as everybody else, and they should have been men enough to come to us and find out whether article 4 would be enforced.

Commissioner WEINSTOCK. You were present, you say, during part of the time that Mr. Linderfelt testified?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Then you may have heard the testimony to the effect that an agreement was reached between the authorities—I think it was between the militia and the strikers—to this effect: It was the purpose of the militia, as I recall it, to disarm both sides. The strikers, according to the testimony of Lieut. Linderfelt, agreed to turn in their arms if the operators would turn in theirs. Whereupon the militia gathered in all the arms and ammunition of the operators, but the workers only turned in a small fraction of their arms and ammunition, hiding the greater part of their arms and ammunition, and thereby not keeping faith—breaking their promise. What is the answer to that statement on the part of the miners?

Mr. DOYLE. I would state that I do not believe it is correct when they say that the operators turned in their arms and ammunition. I think that they kept out a good deal of it. I think that what they did turn in they turned in for the purpose of being used by their mine guards to be later enlisted in the militia. I do believe that the miners turned over a great deal of their arms, although I was not present in the southern field at the time, but some they didn't turn in, just as I wouldn't turn any over if I were——

Commissioner WEINSTOCK. If you promised to do so?

Mr. DOYLE. If martial law was in effect—if martial law had been declared and Gen. Chase and Boughton were to go to Denver and disarm the people in Den-

ver, and there was something going on and I was objecting to it; for instance, like this; I would never turn over my weapons of self-defense to guard my home when men like Gen. Chase and Maj. Boughton—I should hide them out and be ready to protect myself, not only from those whom they were pretending to protect me from, but possibly from some of the members of the institution of the militia that were proposing and pretending to protect my home.

Commissioner WEINSTOCK. Is it or is it not a fact, Mr. Doyle, that the strikers did agree to turn in their arms if the operators would turn in their arms?

Mr. DOYLE. That statement has been made.

Commissioner WEINSTOCK. Is it a fact?

Mr. DOYLE. It is a fact that it has been made.

Commissioner WEINSTOCK. Is it a fact that the strikers did not turn in all of their arms?

Mr. DOYLE. I would not doubt it. I think they were wise if they did not.

Commissioner WEINSTOCK. Then that promise was not made in good faith?

Mr. DOYLE. I do not know who made the promise. The organization, you will understand, would not be responsible if any man, a member of it, if he did not put milk in his coffee in the morning; neither would it be responsible for him if he did not do any of these other things.

Commissioner WEINSTOCK. But is it not a fact, Mr. Doyle, that in all these negotiations and understandings that the negotiations took place between the officers of the National Guard, on the one hand, and the officers of your union, on the other hand? I do not recall the names; I suppose Mr. Lawson, possibly; possibly yourself, possibly Mr. McLennan—that the negotiations were conducted with the properly delegated representatives of the strikers.

Mr. DOYLE. I think that is correct in so far as this: I believe that John Chase asked Lawson's assistance in asking the men to turn over their arms to him. I think that is correct. I don't think he asked me, because I never had any talk with him outside of the time he attempted to play the trick on me when he whispered into Boughton's ear to shut me in jail.

Commissioner WEINSTOCK. The statement was further made, as you may remember, by Lieut. Linderfelt that in taking a census of that camp—that is, the strikers' camp in Ludlow—due, I think, to some disease that had broken out—smallpox, I think—

Mr. DOYLE. There was an alleged disease; I don't know whether it ever occurred or not.

Commissioner WEINSTOCK. That they met there many men who were not strikers, who had been brought into the camp after the strike had been declared and who had not worked in the camp. That those men were Balkan veterans, largely Greeks; that those men made the statement that they were receiving from the organization \$3 a day, and not \$3 a week. What information can you give us on that point?

Mr. DOYLE. That statement is not correct. I think the fact was that no man was brought in to be put on as a striker, and no man received \$3 a day for being a striker. I know that I can show you the amounts, if you want.

Commissioner WEINSTOCK. What was the maximum, Mr. Doyle, that was ever paid out in any one week to the strikers? I suppose your records will show, but possibly you can give it from memory.

Mr. DOYLE. Well, I think possibly it would run from \$35,000 to \$37,000 a week.

Commissioner WEINSTOCK. From \$35,000 to \$37,000 a week?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. What were the amounts paid to strikers?

Mr. DOYLE. Three dollars per week to a man, \$1 to a woman, and 50 cents to a child in the western slope, southern Colorado.

Commissioner WEINSTOCK. That is, in this strike zone here?

Mr. DOYLE. That is part of the strike zone. There were two different rates.

Commissioner WEINSTOCK. I see. I am asking primarily about the Ludlow district—Ludlow and Trinidad.

Mr. DOYLE. That includes the western slope; the southern includes the Ludlow district. That was the rate plus such coal and other matters as we could buy and furnish them. But in the northern field \$1.50 for a woman and 75 cents for a child; but we did not furnish them any coal.

Commissioner WEINSTOCK. I see. Now, the individual—that is, the man without dependents—received \$3 a week?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And the man with dependents received his \$3 a week plus \$1 for the wife and 50 cents for every child?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. And I presume you have worked out the statistics on this thing and that you could tell what the average amount was paid each miner, married or unmarried, the general average?

Mr. DOYLE. Well, it is higher for the northern section. We always keep the two sections separate, because the northern section has been on a strike earlier.

Commissioner WEINSTOCK. Do you have it now altogether?

Mr. DOYLE. I don't know; but it would run somewhere in the neighborhood of \$4.50 to \$5 per man. That is what it would average, I think.

Commissioner WEINSTOCK. Four and a half or five dollars?

Mr. DOYLE. Just making a rough guess at it.

Commissioner WEINSTOCK. This \$37,000 that you paid out weekly was for the north and south?

Mr. DOYLE. It was for everything, relief and all other expenses.

Commissioner WEINSTOCK. I wish you would state the details.

Mr. DOYLE. Included everything, for relief and everything.

Commissioner WEINSTOCK. Could you tell us or can you get from the books the details as to what proportion of that \$37,000 was spent in the southern part of the State—Trinidad and the Ludlow district?

Mr. DOYLE. Well, speaking roughly, I could make a rough estimate; it would run, I think, from \$21,000 to perhaps \$24,000 per week for Fremont, Las Animas, and Huerfano Counties.

Commissioner WEINSTOCK. I see.

Mr. DOYLE. The three principal southern counties.

Commissioner WEINSTOCK. That, roughly speaking, then, would be at the rate of \$5 a week that it averaged, for men married and unmarried?

Mr. DOYLE. It is only a guess; I have never figured it all up, and I am only making that guess.

Commissioner WEINSTOCK. Would not 4,800 men at \$5 a week amount to \$24,000 a week?

Mr. DOYLE. I haven't figured it.

Commissioner WEINSTOCK. Now, in your testimony on Saturday, Mr. Doyle, you spoke about, in bulletin 4, I think it is—let us verify that—have you bulletin 4 convenient?

Mr. DOYLE. I think so.

Commissioner WEINSTOCK. Will you just look up and see the number of men that it is claimed went out on strike? Here it is, the last paragraph in Bulletin No. 4. It says:

"These and many other things created the gas and dust in the minds of the 11,232 coal miners, which the 'agitators' ignited into the greatest explosion of industrial discontent in the history of labor struggles."

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Now, when that figure is used, 11,232, does that refer to all the strikers in the entire State of Colorado, or just the southern half?

Mr. DOYLE. Just as I testified to Saturday, it included everything.

Commissioner WEINSTOCK. Everything?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. Roughly speaking, then, I should judge from those figures that there were 5,000 in the southern part of the State and possibly six in the northern part of the State?

Mr. DOYLE. You are off on your guess.

Commissioner WEINSTOCK. Well, perhaps I am.

Mr. DOYLE. I have here a tabulated list of the membership taken from my records on November 20, 1914, showing each local union or camp, the sub-district in which it is located, the number of members, the total for the sub-district, and the grand total.

Commissioner WEINSTOCK. Will you just tell us how these 11,232 were arrived at?

Mr. DOYLE. I told you Saturday.

Commissioner WEINSTOCK. I don't recall it.

Mr. DOYLE. I figured that, figuring right after the strike, the men had gone, scattered everywhere, wherever was most convenient. If a man had a friend that had an empty house in some camp that was convenient for him he went to that camp, and for a couple of weeks after the strike it was a very difficult

matter to keep track of them. Some we had to double up on, and we would get them mixed up. But, taking the figures as an average paid in each county and approximating the number that would ask for transfer cards, we arrived at the figure 11,232.

Commissioner WEINSTOCK. For the State?

Mr. DOYLE. Yes; for the State.

Commissioner WEINSTOCK. Out of that number what portion were southern strikers, strikers of the southern field, if you know?

Mr. DOYLE. I would not be able to more than guess at it. I think it should be—could be—located by taking the number of men being paid relief in the northern field prior to September 23, 1913, and finding the difference between that and the number who were paid in the northern field following the 23d who came out on strike, all that were striking, and adding to that the number of men who came out on strike in the western slope.

Commissioner WEINSTOCK. Yes.

Mr. DOYLE. And we include the membership while we are on it.

Commissioner WEINSTOCK. I suppose we can get the exact figures from the record, of course?

Mr. DOYLE. Yes. I can submit these here if you want it.

Chairman WALSH. Commissioner Ballard thinks that had better be filed.

(See Doyle Exhibit No. 2.)

Commissioner WEINSTOCK. One of the witnesses one day last week, I don't remember the date—

Mr. DOYLE (interrupting). It was 7,917 members on the 20th day of November last.

Commissioner WEINSTOCK. One of the witnesses last week, I don't remember who it was, among other things made the statement that A. B. McGary, reported under date of May 31, 1914, committed some crime, I don't recall just what it was, and that he is a fugitive from justice, and that he was in the employ of the United Mine Workers. Can you give some information in regard to that case?

Mr. DOYLE. The only information I can give you, that I have any personal knowledge of, is that that alleged crime that is charged to McGary is the theory upon which Maj. Boughton and Gen. Chase attempted to attract notoriety to themselves by trying to invite me and get me to say statements that he had injured some one, that McGary did kill some one.

Commissioner WEINSTOCK. Is it a fact that McGary is a fugitive from justice?

Mr. DOYLE. I think not.

Commissioner WEINSTOCK. Where is he?

Mr. DOYLE. I don't know.

Commissioner WEINSTOCK. Has there ever been an indictment issued against him?

Mr. DOYLE. Oh, yes; there are hundreds of men who have indictments against them, and if you commissioners will stay here about six months they will get you.

Commissioner WEINSTOCK. There is an indictment against McGary?

Mr. DOYLE. I understand there is.

Commissioner WEINSTOCK. Has a warrant been issued for him?

Mr. DOYLE. I don't know.

Commissioner WEINSTOCK. And you don't know where he is?

Mr. DOYLE. No.

Commissioner WEINSTOCK. And you don't know whether he is a fugitive from justice?

Mr. DOYLE. I don't know.

Commissioner WEINSTOCK. If you say there is an indictment issued against him, and you don't know where he is, what inference is left?

Mr. DOYLE. In this State, especially in Las Animas and Huerfano Counties, a man might be indicted and not be able to be found and yet wouldn't be a fugitive from justice, but he might be a fugitive from injustice.

Commissioner WEINSTOCK. But these two facts are not disputed, I take it: That the indictment was brought against him, and his whereabouts are unknown?

Mr. DOYLE. Unknown to me.

Commissioner WEINSTOCK. Was he an official of the union?

Mr. DOYLE. I don't know. He was an organizer in the union when he was here.

Commissioner WEINSTOCK. Whom do the organizers report to?

Mr. DOYLE. To the international office.

Commissioner WEINSTOCK. Where?

Mr. DOYLE. Indianapolis.

Commissioner WEINSTOCK. Are they sent out by the international?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. What are their relations, for example, with the secretary?

Mr. DOYLE. Why, none, with the exception of when they are broke they come to me for money.

Commissioner WEINSTOCK. How do they get their pay?

Mr. DOYLE. They are paid by the international.

Commissioner WEINSTOCK. That is, remittances go direct to them?

• Mr. DOYLE. Yes; the same as mine.

Commissioner WEINSTOCK. And do not come through your office?

Mr. DOYLE. No. I am even paid that way myself.

Commissioner WEINSTOCK. You are not paid out of the local funds?

Mr. DOYLE. No; none of the international organizers.

Commissioner WEINSTOCK. You may have heard the testimony of Lieut. Linderfelt with reference to Pvt. Martin, who was killed in the battle of Ludlow?

Mr. DOYLE. Yes; I heard of it.

Commissioner WEINSTOCK. Mutilated by strikers?

Mr. DOYLE. I heard him state it.

Commissioner WEINSTOCK. Do you know anything about that case from your own personal knowledge?

Mr. DOYLE. No; I know nothing about it except what I have read about it and what he said on the stand here. A rumor reached me some time ago that it would be a good thing to ask Linderfelt if it was not a fact that the militia, or a certain portion of them, had Pvt. Martin under suspicion for dealing friendly with the union. What the rumor was based on I don't know, but it would leave the inference with me that he was not killed as is stated by the military men.

Commissioner WEINSTOCK. Now, in the very beginning of your testimony this morning, Mr. Doyle, you explained that your union is opposed—is in favor of law and order?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. That it is opposed to violence?

Mr. DOYLE. It is still, too.

Commissioner WEINSTOCK. Exactly. It believes in obeying the constituted authorities?

Mr. DOYLE. Yes.

Commissioner WEINSTOCK. I want to call your attention to a pamphlet issued by the coal-mine managers, series 1, under title "Facts Concerning the Struggle in Colorado for Industrial Freedom." On page 12 of that pamphlet the following appears:

A CALL TO REBELLION.

DENVER, COLO., April 22, 1914.

Organize the men in your community in companies of volunteers to protect the workers of Colorado against the murder and cremation of men, women, and children by armed assassins in the employ of coal corporations, serving under the guise of State militiamen.

Gather together for defensive purposes all arms and ammunition legally available. Send name of leader of your company and actual number of men enlisted at once by wire, phone, or mail to W. T. Hickey, secretary of State federation of labor.

Hold all companies subject to order.

People having arms to spare for these defensive measures are requested to furnish same to local companies, and where no company exists send them to the State federation of labor.

The State is furnishing us no protection and we must protect ourselves, our wives, and children from these murderous assassins. We seek no quarrel with the State and we expect to break no law; we intend to exercise our lawful right as citizens to defend our homes and our constitutional rights.

(Signed): John R. Lawson, international board member, district 14, U. M. W. A., also president State federation of labor; John McLennan, president district 15, U. M. W. A.; E. L. Doyle, secretary-treasurer district 15, U. M. W. A.; John Ramsay, national organizer, U. M. W. A.; W. T. Hickey, secretary State federation of labor; E. R. Hoage; T. W. Taylor; Clarence Moorehouse; Ernest Mills, secretary-treasurer, W. F. of M.

Commissioner WEINSTOCK. Now, what is not clear to me is this: You said a little while ago in your testimony that if there is a bad law, for example, on our statute books, that that law ought to be obeyed, and every effort should be made to educate and to agitate in order that the bad law may be changed into a good law?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. But that meanwhile the law should be observed?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. How do you reconcile that with this communication here, of which you are one of the signers, which calls upon the workers to arm, which is in violation of the law for men to organize and offer armed resistance to the constituted authorities.

Will you reconcile those two things?

Mr. DOYLE. I will state that my entire opinion of the matter is contained right there in the language of this document, and that I rest my case with it right there.

Commissioner WEINSTOCK. What document have you in your hand?

Mr. DOYLE. I will read that document.

Commissioner WEINSTOCK. That is a copy of this that I have just read?

Mr. DOYLE. Yes; it is the same thing except the heading they have here, "A call to rebellion."

Commissioner WEINSTOCK. That is not yours?

Mr. DOYLE. That is their own interpretation. And you should take your interpretation that is upon it also, or any other one who may read it, and I rest my case on it just as it is there.

Commissioner WEINSTOCK. Exactly.

Mr. DOYLE. That it is just what it says.

Commissioner WEINSTOCK. In other words, you do not care to make any comment on it; you prefer to let it stand just as it is?

Mr. DOYLE. Just as it is; it is in such language as I wish it.

Commissioner WEINSTOCK. I see. There is no denial then that this was issued by these officials of the union, and that it did call upon the men to organize in companies of volunteers to get together for defensive purposes all arms and ammunition legally available, and so on?

Mr. DOYLE. All I will say is that the language of it and the facts of it as it appears is what I stand by.

Commissioner WEINSTOCK. I have here a pamphlet called the "Twenty-second Annual Report of the Colorado Fuel & Iron Co. for the Year Ended June 30, 1914." Do you happen to have a copy of that, Mr. Doyle?

Mr. DOYLE. No; I have not.

Commissioner WEINSTOCK. Well, let me read it to you [reading]:

"The last day before the arrival of the Federal troops, while a portion of the militia, acting under the terms of the truce between the governor and the United Mine Workers, remained at Ludlow, a large body of men marched on the Forbes mine, 5 miles away (belonging to the Rocky Mountain Fuel Co.), which was unprotected, killed nine of its employees in cold blood and wantonly destroyed practically all property above ground, including over 30 mules."

Do you care to make any comment on that?

Mr. DOYLE. I know nothing about it, personally. At that time I was in Denver.

Commissioner WEINSTOCK. Well, do you know whether such a thing happened?

Mr. DOYLE. No; not of my own knowledge.

Commissioner WEINSTOCK. Do you know it from hearsay?

Mr. DOYLE. Know it from press reports, and all.

Commissioner WEINSTOCK. Has that ever been discussed in your union?

Mr. DOYLE. No; the organization has never had a discussion on it. I think we have had only two conventions since then, and that matter was not up.

Commissioner WEINSTOCK. Are we to understand, or do you dispute any of these statements? Do you believe that it is not true that a large body of men marched on the Forbes mine, which was 5 miles away and which was unprotected, and killed nine of its employees and wantonly destroyed all property above ground, including the 30 mules? Do you dispute that?

Mr. DOYLE. Why do you, in reading the question, leave "cold-blooded" out when you read it the second time?

Commissioner WEINSTOCK. I was simply giving you the heart of it.

Mr. DOYLE. I think the principal part of it is the "cold-blooded." I don't know just what occurred down there. There have been so many different

statements from different sources, and statements in the press and bulletins and telephone messages, and there is such a conglomeration of stuff, I don't know what the real facts are myself.

Commissioner WEINSTOCK. So far as you are concerned, then, as a State official, this charge is neither affirmed or admitted on your part, nor is it denied on your part?

Mr. DOYLE. Well, I would contradict any such charge as that coming from them, knowing how they have misstated the facts at different times and places to get the public sympathy; and until proof is given I would not consider it at all, only as one of their advertisements.

Commissioner WEINSTOCK (reading):

"With the arrival of the Federal troops, May 1, order was again restored. In response to the proclamation of the President the coal operators turned over to Federal Army officers all guns and ammunition that it had been necessary for them to provide for their protection after the withdrawal of the State militia. The strike element surrendered a considerable number, but retained in hidden way places many hundred—and some competent authorities say thousands—of their most modern rifles, just as they did in the similar situation with the National Guard six months before."

What comment, if any, do you care to make on that?

Mr. DOYLE. There it is again. I do not believe that the coal companies turned over all their arms to the Federal troops. I had one miner tell me in Walsenburg, I talked with a strike breaker in the Walsen mine, that he could tell me where three machine guns were hid and a considerable number of rifles after the Federal troops came in—hid by the companies; and if I would pay him for it he would tell me where they were.

Commissioner WEINSTOCK. What about the charge made by the operators as to the strike element?

Mr. DOYLE. I think the strike element gave up a good many of their guns; from the different reports I have heard, however, myself I don't believe they gave them all up, and again I don't think they would have been wise to give them up. I don't think, after what had occurred in southern Colorado, the attacks by the mine guards on the tent colony, the abuses they had to submit to, the Forbes outrages, and finally the Ludlow affair, that anyone could expect those people who—most of them—came from military countries and know that a gun means to kill, when they see a gun hanging on a man, you couldn't expect those men to go to work and give up their arms regardless of the uniform, and I don't think you yourself or even any of the employers, if they had been an actual striker, I don't think you would give your gun up without hesitating a long time, because they did not know but what they were going to get the same identical thing. We know the power opposing the miners, and which is fighting them is not the C. F. & I. Co. We are satisfied, and no doubt the commission will be before it gets through, that the power is the Rockefeller interests that control the entire country, and they have shown to the satisfaction of the miners that they control the State and the State troops, and with all that had been done, how did they know in advance they were going to get any justice from the military of the United States Government if the Federal troops were brought into the field? And in saying this about the military of the United States Government I don't want in that to include the President or officials of the United States Army, but I mean that all the acts and works of the military would depend upon the action and attitude of particular officers in the field, and if they were favorable to the miners they would get justice, and if they were against them the Lord pity the miners. And I don't think that any miner who held his gun down there and did not give it up could be blamed for it under the circumstances.

Commissioner WEINSTOCK. Are we to understand from the statement you have just made, now, Mr. Doyle, that it was your opinion and the opinion of the union and the opinion of the strikers that Mr. Rockefeller controlled the President of the United States and the Federal troops?

Mr. DOYLE. I did not say so. I said—

Commissioner WEINSTOCK. If the Rockefeller interests control the entire country, certainly that must include the President of the United States and the troops?

Mr. DOYLE. Please read it. There is no use of taking that statement.

Commissioner WEINSTOCK. Now, do you want that sweeping statement to stand in the testimony or would you rather modify it and qualify it? You say the whole of the country.

Mr. DOYLE. I meant to qualify it when I say I don't mean the Government as such and the President of the United States. I don't mean that the President would come out and shoot the miners down or say to Gen. Chase or whatever general might be in charge, "You will have full power with martial law to do everything you please, and your own dictates to be the martial law," but I mean the miners being in the state of mind they were, that they had no reason to know what was going to happen to them. They knew that a big and more powerful army was coming; no question about that when it became public in the press, but they didn't know, being in that state of mind, whether or not—what stand the military of the Nation would take.

I do not mean to say that President Wilson or the Secretary of War or those fellows would go to work and say, "Now, you do so and so and crush those people."

Commissioner WEINSTOCK. Now, when you use the words "whole country" you mean to eliminate the President and the Federal troops?

Mr. DOYLE. Meaning that he controls the President, why, no, sir; but I think he—the President—has done a good many things which show that they have not got him in their pocket, and while I believe that Wilson himself believes that the miners are right, I think he is such a technical man, such a constitutional man, that he can not find any way in a technical way to do something to show that.

Commissioner WEINSTOCK. Are we to understand, Mr. Doyle, in order that I may put my question more intelligently, I want to lay a foundation for it—

Mr. DOYLE. I see.

Commissioner WEINSTOCK. Take the strikers in their camp. Was each man a law unto himself or were they organized and did they have leaders?

Mr. DOYLE. Why, do you mean now as members of the industrial organization—industrial organization do you mean?

Commissioner WEINSTOCK. During the strike, while they were living in the camp, could every man go out and do whatever he pleased so far as handling the strike situation was concerned or were they organized, and did Mr. Lawson, yourself, Mr. McLennan, and the other strike officials of the order, who were guiding and directing the strike, have authority and did they obey your authority?

Mr. DOYLE. So far as the jurisdiction of the mine workers union was concerned, we had the authority of the different officers in the different positions; so far as it did not extend we have no control or authority.

Commissioner WEINSTOCK. I see. The strikers, then, recognized you as the proper officials, you and your associates—as the proper officials of the mine workers' union?

Mr. DOYLE. Certainly, so far as the affairs of the organization were concerned over which we had jurisdiction.

Commissioner WEINSTOCK. And these officials would issue orders, when those orders were required, to the strikers, and obedience was expected from the strikers?

Mr. DOYLE. They have been obedient and have always obeyed the constitution, I think, in any matter or in the rules laid down about the rules of the strike—

Commissioner WEINSTOCK (interrupting). Now, what is the attitude of your officials and of the strikers—what was your attitude when the announcement was made that the Federal troops were on the way here? Did you object to the Federal troops coming here or were they welcomed?

Mr. DOYLE. I don't know that anyone objected. The women of the city of Denver got together here and had a big meeting in the statehouse and appealed to the President to bring the United States troops here, and perhaps, that was the greatest pressure to bring them here—the miners did not oppose bringing them here, in fact. Some of our national officers, from national headquarters, in fact, urged that they be sent there long enough to stop the killing of our people. Now, I am not certain of that latter part; but we did not oppose them coming here. After they got here, the various branches' officers—I think Diamond, in the Trinidad district; and I don't know who was in the Walsenburg district at the time—but each executive man representing the national executive committee in those offices, handled the question in those counties where the troops landed.

Commissioner WEINSTOCK. Did you or your associate officials have any reason to believe that the authorities would do anything but what was right and square?

Mr. DOYLE. Speaking for myself, personally, I will say that I have had the greatest confidence in President Wilson and believe that his heart beats with the under dog. I believe that more so since he refused to shoot them up in Mexico to suit the jingoes in this country, and I think he would do that now to protect us from wrongs put upon us if he could do so and get away from that constitutional idea of his. So far as the troops are concerned, I, personally, don't think any working man will get what is a proper, square deal from any military-trained man. When I was 8 years old, I saw soldiers—I understand they were United States Regular Army men—shoot coal miners for playing cards under the oak trees in Spring Valley, Ill. That is imbedded in me, and, I think, that the training in the military is that obedience, regardless of justice, is the first thing, and that their tendency would naturally be that of siding in with established customs whether right or not. I am not speaking of laws, but of customs; and I, personally, do not think it is a good day for organized labor when the military of any description enters into the controversy; and it is, of course, a poor time when people think it is necessary for such.

Commissioner WEINSTOCK. Do you want us to understand, then, Mr. Doyle, that speaking for yourself, at least, you had no confidence in the fact that the Federal troops would give a square deal to all sides when they came here?

Mr. DOYLE. Personally, I feel, and I want you to understand that I feel, that they would not kill any of our people viciously—go out and shoot them down in cold blood—but that they would, if they could, stop anybody else from killing them. And I did not expect, and things that have transpired since have proved that I was right in my opinion, any justice, so far as the actual details were concerned, about the importation of men, etc., for instance, there was a proclamation that men should not be imported, I made a complaint to Washington that while that proclamation was in force, the men shipped into Weld County were strike breakers; and three or four weeks after—maybe five—I got back a report from the secretary, from the man who made the report to him, and he sending me a copy, which said that an investigation was made on so and so—and I will be as brief as possible—"And we find that the superintendent claims that the men were not strike breakers, but that they came to the mine and are now awaiting positions and we have affidavits from nearly all of the 40—37 of the 40—and each declares he is not a strike breaker, therefore, your information must be wrong." The practical result was that the strike-breaking men went in and worked in the mine while the strike was on, but technically they were not strike breakers by having made an affidavit that they were not. Now, I don't call that a square deal when the proclamation was that they should not be shipped in.

Commissioner WEINSTOCK. Well, let me repeat my question again, because I have not caught your answer. Did you or did you not have confidence in the Federal troops, when they came here, that you would get a square deal?

Mr. DOYLE. So far as the protection of life is concerned and property, yes; but not so far as the principles of the organization and the grievances of the miners and their rights to be strikers without being imposed upon or aided by other powers.

Commissioner WEINSTOCK. Did you believe when the order was issued by the Federal troops that both sides should give up their arms; that in the carrying out of that order the Federal troops would play any favoritism with the mine owners?

Mr. DOYLE. When you speak of the Federal troops I will speak of them as an organization. I don't think that the Army Department of the Government intends to be partial to anyone; but I do think that the prejudices, owing to the environment and training of officers, would naturally lead them to favor the operators as against the miners.

Commissioner WEINSTOCK. Do you think they did favor the operators as against—

Mr. DOYLE. I do, sir; the men and officers on the ground.

Commissioner WEINSTOCK. That they showed favoritism to the mine owners?

Mr. DOYLE. I think so.

Commissioner WEINSTOCK. Could you prove that to the satisfaction of disinterested jurors?

Mr. DOYLE. Well, if you want my conclusion, I can tell you; and if they were of the same mental attitude as I am they would be convinced, and if they were set against being convinced they would not be.

Commissioner WEINSTOCK. That is simply an impression or opinion of yours?

Mr. DOYLE. I gave it as my opinion.

Commissioner WEINSTOCK. What foundation have you for that opinion?

Mr. DOYLE. The case I have just given as to strike breakers; of shipping one bunch of 40 in that were practically strike breakers, but not in a technical sense.

Commissioner WEINSTOCK. The question was as to gathering up arms. My question to you was, as I remember, Did you believe that in carrying out the orders as issued, that both sides should give up their arms and ammunition, the Federal troops played favorites with the mine owners and permitted them to retain their arms?

Mr. DOYLE. No; I think the Federal troops were sincere in trying to get up all the arms.

Commissioner WEINSTOCK. You did believe they would gather up every possible piece of ammunition or gun they could find among the mine owners?

Mr. DOYLE. I thought they were sincere. I didn't know to what degree or effort they would go. They might make more or less strong efforts in trying to collect them.

Commissioner WEINSTOCK. Well, I take it that the reason why the mine workers, when the militia issued the order to give up their arms, the reason why they did not give up but a fraction of their arms was, as you explained, because they had not confidence in the militia or did not trust them and believed that they would not collect all the arms from the mine owners. Now, if when the Federal troops came here you had confidence—and I take it you are voicing the sentiments of your associates in that respect—if you had confidence that the Federal troops would carry out that order effectively with the mine owners, what reason was there for the mine workers to hold their arms?

Mr. DOYLE. The mine workers' union organization?

Commissioner WEINSTOCK. The strikers, I mean.

Mr. DOYLE. The individual striker would have to obey his own judgment about giving up his own arms. Our instructions from State officers were to give up their arms; and if he didn't see fit to obey those instructions because he thought his life might be taken by obeying orders, because he didn't have confidence in it himself, it would be up to him whether he would give them up or not. And the officials down there in those districts—all of them, as I understand—gave instructions to them to give up their arms.

Commissioner WEINSTOCK. Are we to understand that you officials had no control over the strikers?

Mr. DOYLE. That is putting the cream in the coffee again. We were simply instructing them so far as membership in the organization goes.

Commissioner WEINSTOCK. Isn't that part of the authority of the officials, to go to the strikers and say, "Give up your arms"? Isn't that a part of your duty?

Mr. DOYLE. No, sir; for this reason: The mine workers had nothing to say about any of its members being born into this life; and the very fact that they were born gives them the right to protect that life without any strings tied on it by an organization because they are members of that organization.

Commissioner WEINSTOCK. So your statement, then, is that when it came to the question of giving up their arms the officials had no authority with the strikers, but that the matter was left entirely to the individual judgment of the strikers; and if a striker, in his judgment, saw fit to disobey the orders of the Federal troops, the Federal authorities, to disobey the orders of the people of America, whom the Federal troops represented, that they could exercise that discretion and do as they pleased about it?

Mr. DOYLE. No; you make that wrong. You say left them to themselves to use their own judgment. I said that the officers down there did advise them to give up their arms—the local officers in the several districts; but if they didn't obey that, that is not the fault of the officers.

Commissioner WEINSTOCK. I see. Then up to that point they had no control? That is, they could not control. You, as an officer of the union, could, under those circumstances, come to me and say, "Mr. W., I advise you to give up your gun," and that is all you could do. If I saw fit to say, "No, I shall not give up my gun, I propose to retain it," you would be helpless in the matter?

Mr. DOYLE. As officers we did not go to each individual miner, but simply issued a statement to the different ones; and we did not know who had any guns or who did not; whether a man had given up his gun, or whether he had a gun or not.

Commissioner WEINSTOCK. Then the union officers made no effort to see whether the instructions they gave were obeyed?

Mr. DOYLE. The officers went out of their way and beyond their jurisdiction which they had as officers of a labor union in order to assist the government in going out and asking the miners to give up their arms. They did not, like the officers of the State, sit tight. They were willing, although you couldn't compel them to go out and ask them to give up their arms. But they didn't sit tight on the lid and stay there and say, "We won't say nothing," but went out like men and said, "Give up your arms." They went out beyond their jurisdiction and outside of the organization and spoke to them as citizens, because of their connection with the organization, and because of their names carrying some influence with them, and advised them. If they had been so disposed, they could have stood on their strict rights and could have taken the same stubborn and inconsistent position in the union as the operators did when they refused to deal with the miners' representatives.

Commissioner WEINSTOCK. Have you any idea, Mr. Doyle, what proportion of the arms were given up by the strikers and what proportion was retained?

Mr. DOYLE. No, sir; I have not.

Commissioner WEINSTOCK. You have no means of knowing that?

Mr. DOYLE. No, sir.

Commissioner WEINSTOCK. You simply know that they gave up a fraction of their arms and retained the balance?

Mr. DOYLE. I know from reports that rifles were given up and guns were given up, and I know from reports that rifles were retained.

Commissioner WEINSTOCK. Have you any record to show, Mr. Doyle, how many guns were given up by the strikers?

Mr. DOYLE. No record or no reason for a record as to their private affairs, no more than I would take an inventory of how many hairpins a woman had on her dresser.

Commissioner WEINSTOCK. I see in the beginning you explained, Mr. Doyle, as secretary-treasurer of the union, you were the custodian of all the correspondence, of all the books and all the records of your union?

Mr. DOYLE. Of that particular branch.

Commissioner WEINSTOCK. I take it that you were also the custodian of invoices that may pass through the office for purchases of any nature whatever, as vouchers.

Mr. DOYLE. Everything is there that pertains to that particular branch.

Commissioner WEINSTOCK. I suppose during the past—let's see, the strike began—

Mr. DOYLE (interrupting). April 1, 1910, in the north, and September 23, 1913, in the south.

Commissioner WEINSTOCK. September 23, 1913, in the south, and it is about 15 months since the strike began?

Mr. DOYLE. Yes, sir.

Commissioner WEINSTOCK. I take it that during that time there must have been a great volume of correspondence back and forth on the subject?

Mr. DOYLE. Not as much as one would think, because we were not being dictated to as to how to run the strike on the side of the miners from anywhere in the East, as were the operators, from Wall Street. We have a policy committee here that had control of the strike and handled the strike here.

Commissioner WEINSTOCK. But was there correspondence between the national organization and your local organization as to policy?

Mr. DOYLE. On matters of finance mostly, I think; but International Vice President Hayes was delegated by President White to assume full charge here and to organize this policy committee, and we handled the matter here. And if we had to have any extra money we tried to get it by wiring for it or writing them for it; and if anything of any importance came up in the nature of a convention, or anything of that kind should be taken up there, that was taken up.

Commissioner WEINSTOCK. Well, this commission asked the mine operators to bring before it all correspondence that related to the strike and which would throw light on the conditions and on the circumstances. We now make precisely the same request of you as the official representative. This commission asks you to bring before it at the next session, beginning at 2 o'clock, all the correspondence, all the invoices, all your books and records, showing receipts and disbursements of your union. We do not want to incumber our records

and we do not want to take up your time and the time of this commission, which is very precious, needlessly. So I will ask Mr. Grant, who is the representative of this commission, to go with you to your office as soon as we adjourn to look over the correspondence and pick out that part of it which, in his judgment, would be of interest to this commission, and bring it here with your records and your invoices at 2 o'clock; also telegrams, of course—anything and everything in the way of papers that is likely to be of interest.

Mr. DOYLE. I will state that that will be perfectly satisfactory for this commission to come down there or send a representative down there and go through all our files and all our letters and telegrams on the matter that are there; and, unlike the operators, you don't have to tell me to bring them here and pick out what I think I ought to, but you can come and pick them out and not give me a chance to hide any out like on the other side, because you can look over any receipts or bills or letters or anything down there, and we will give you, if you like, copies of them, so long as you do not give them to the operators so they can see how we are manipulating our policy.

Commissioner WEINSTOCK. Well, Mr. Grant, being the representative of this commission, is thoroughly familiar with this work, and would know better than you or even better than I know what kind of correspondence this commission should have, and we leave it to him to cull out such matter as we should have.

Mr. DOYLE. Did he or some one else go to the operators and go through their file or their books and everything for what you wanted?

Commissioner WEINSTOCK. I don't know. Mr. Walsh can answer as to that.

Chairman WALSH. They picked everything out. There was nothing done except what was done publicly here on the bench. They were not requested to bring in all their accounts, as I understand it, or all of their correspondence, but simply the correspondence covering a certain period between this company and John D. Rockefeller, jr., Starr J. Murphy, Mr. Gates, and Mr. McClement.

Commissioner WEINSTOCK. Yes. Charges, as you know, Mr. Doyle, have been made, as I quoted this morning, that union funds were used for the purpose of purchasing guns and ammunition; and it is essential for us to know whether that is so or not.

Mr. DOYLE. I have no objection, in answer to that, that you shall send your man down there; but the only thing I wanted to know was that—I am satisfied that they can take anything you want or any record you want down there, but I don't want you, as commissioners here, to send a man to my office and leave the impression in the record that I had to be watched and others could be trusted, because I can be trusted if anybody else can. I think that in my own mind if nobody else does.

Commissioner WEINSTOCK. Oh, there is no purpose in that of reflecting in any way upon you, Mr. Doyle, but to expedite the matter; and instead of bringing a voluminous correspondence here we want to cull out and reduce it to such parts as our representative in his good judgment thinks would be of interest to us.

Mr. DOYLE. Well, I think the argument makes it clear in the record here as to the reason why he is sent.

Commissioner WEINSTOCK. Yes.

Chairman WALSH. At this point we will stand adjourned until 2 o'clock. At 2 o'clock please resume the stand.

(At this point, at 12.30 p. m., Monday, December 14, 1914, a recess was taken by the commission until 2 o'clock p. m. of the same day.)

